UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/854
15 September 1998

ORIGINAL: ENGLISH

LETTER DATED 15 SEPTEMBER 1998 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 9 September 1998 (S/1998/853) concerning your intention to appoint Brigadier-General Ove Johnny Strømberg of Norway as the Force Commander of the United Nations Preventive Deployment Force (UNPREDEP) has been brought to the attention of the members of the Council. They take note of the intention contained in your letter.

(Signed) Hans DAHLGREN
President of the Security Council

98-26966 (E) 150998

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/855
18 September 1998
ENGLISH
ORIGINAL: ARABIC, CHINESE, ENGLISH, FRENCH, RUSSIAN AND SPANISH

Draft resolution

The Security Council,

Reaffirming its primary responsibility for the maintenance of international peace and security in accordance with the Charter of the United Nations,

Having considered the recommendations contained in the report of the Secretary-General of 13 April 1998 on "The causes of conflict and the promotion of durable peace and sustainable development in Africa", which was submitted to the General Assembly (A/52/871) and to the Security Council (S/1998/318), regarding the need for the United Nations to provide support for regional and subregional initiatives and the strengthening of coordination between the United Nations and regional and subregional organizations in the area of conflict prevention and the maintenance of peace,

Recalling the provisions of Chapter VIII of the Charter of the United Nations on regional arrangements or agencies, which set out the basic principles governing their activities, and establish the legal framework for cooperation with the United Nations, in the area of the maintenance of international peace and security,

Recalling also the agreement of 15 November 1965 on cooperation between the United Nations and the Organization of African Unity (OAU) as updated and signed on 9 October 1990 between the two Secretaries-General of the two organizations,

Recalling further the resolutions of the General Assembly on the enhancement of cooperation between the United Nations and the OAU, in particular resolutions 43/12 of 25 October 1988, 43/27 of 18 November 1988, 44/17 of 1 November 1991, 47/148 of 18 December 1992, 48/25 of 29 November 1993, 49/64 of 15 December 1994, and 50/158 of 21 December 1995,

Mindful of the need for continued cooperation between the United Nations and its relevant bodies and specialized agencies on the one hand, and the OAU and subregional organizations in Africa on the other,

Welcoming the high-level meeting between the United Nations and regional organizations held in New York on 28 July 1998 and encouraging the holding of such meetings at regular intervals,

Noting that subregional arrangements in Africa, as well as the OAU through its Mechanism for Conflict Prevention, Management and Resolution, are developing their capacities in preventive diplomacy, and encouraging African States to make use of these arrangements and mechanisms in the prevention of conflict and maintenance of peace in Africa,

I

1. Urges the Secretary-General, through the use of the United Nations Trust Fund for Improving Preparedness for Conflict Prevention and Peacekeeping in Africa, to assist in the establishment within the OAU of an early warning system based on the model currently being used by the United Nations, and to assist in strengthening in making operational the OAU conflict management centre and its situation room;

2. Encourages contributions to the United Nations Trust Fund for Improving Preparedness for Conflict Prevention and Peacekeeping in Africa and to the OAU Peace Fund and encourages also the Secretary-General to develop a strategy for the purpose of enhancing contributions to the Trust Fund;

3. Requests the Secretary-General to continue to assist Member States in the further development of commonly accepted peacekeeping doctrine and to share existing peacekeeping doctrine and concepts of operations with the OAU and subregional organizations in Africa;

4. Invites the Secretary-General to assist the OAU and subregional organizations in Africa to establish logistics assessment teams through the sharing of information on the establishment, composition, methods and functioning of United Nations logistics assessment teams, and also invites the Secretary-General to assist the OAU and subregional organizations, as appropriate, to determine the logistical and financial requirements of regional or subregional peacekeeping operations authorized by the Council;

5. Encourages the establishment of partnerships between States and regional and subregional organizations involved in peacekeeping operations, in which one or more States or organizations contribute troops and others contribute equipment, encourages the Secretary-General to facilitate efforts to that end, and requests him to consider developing a framework to coordinate such partnerships;

6. Commends the various initiatives taken by several States to enhance African preparedness to participate in the military, police, humanitarian and other civilian components of peacekeeping operations, and in this context encourages joint training and simulation exercises and seminars with African peacekeepers;

7. Welcomes the proposal by the Economic Community of West African States (ECOWAS) to establish a Council of Elders within its Mechanism for the Prevention, Management, Resolution of Conflicts, Peacekeeping and Security for the purpose of facilitating mediation efforts and urges the Secretary-General, in consultation with the Executive Secretary of ECOWAS, to assist in facilitating its establishment and to help to ensure its effectiveness;

II

8. Endorses the establishment of a United Nations Preventive Action Liaison Office in the OAU and urges the Secretary-General to consider ways of making this office more effective and also the possibility of appointing liaison officers to peacekeeping operations of the OAU and of subregional organizations in Africa which are authorized by the Council;

9. Encourages the enhancement of consultation and coordination between the United Nations and the OAU and between the United Nations and subregional organizations in Africa, both at the field and headquarters level, and recognizes that the nomination of joint Special Representatives may be useful to further these aims;

10. Welcomes the fact that both the United Nations and the OAU have agreed to strengthen and broaden their cooperation on measures to prevent and resolve conflicts in Africa, and in this regard invites the Secretary-General to:

(a) Adopt measures for an improved flow of information through systematic mechanisms between the United Nations and OAU and between the United Nations and subregional organizations in Africa,

(b) Develop, in collaboration with the OAU and with subregional organizations in Africa, common indicators for early warning, and share, as appropriate, early warning information both on the ground with their field representatives and with their headquarters,

(c) Arrange, in collaboration with the OAU and with subregional organizations in Africa, occasional visits of staff at working level between the United Nations and the OAU and between the United Nations and subregional organizations in Africa,

(d) Arrange, in collaboration with the OAU and with subregional organizations in Africa, joint expert meetings on certain specific areas of early warning and prevention, including joint reviews of potential and existing conflicts with a view to coordinating initiatives and actions;

11. Requests the Secretary-General to implement the present resolution in the course of his ongoing efforts to develop cooperation with the OAU and subregional organizations in Africa and, where necessary, drawing on the United Nations Trust Fund for Improving Preparedness for Conflict Prevention and Peacekeeping in Africa, and to keep the Council informed periodically, as necessary, on the implementation of the present resolution;

12. Decides to remain seized of the matter.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/856
16 September 1998
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 15 SEPTEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith the paragraphs concerning the Libyan Arab Jamahiriya which appear in the final document issued by the summit meeting of Heads of State and Government of the Movement of Non-Aligned Countries held in Durban, South Africa, on 3 September 1998.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Abuzed Omar DORDA
Ambassador
Permanent Representative

Annex

[Original: Arabic and English]

Libya

211. The Heads of State and Government welcomed the decision of the United Kingdom and the United Sates of America to finally accept the positions advocated by the Libyan Arab Jamahiriya, supported by the Movement of Non-Aligned Countries (NAM), the Organization of African Unity (OAU), the Arab League and the Organization of the Islamic Conference and other regional organizations of the South, to try the two suspects in the case of the Pan Am Flight 103 crash over Lockerbie in a neutral country. They expressed their regret that it has taken so long for the two States to accept this position.

212. The Heads of State and Government reaffirmed their continued support for the stand of the Libyan Arab Jamahiriya aimed at guaranteeing a fair and just trial for the two suspects. They called upon the United States, the United Kingdom and the Netherlands to engage in discussions with the Libyan Arab Jamahiriya, directly or through the Secretary-General of the United Nations, with the objective of implementing the initiative referred to in Security Council resolution 1192 (1998), including trial arrangements and appropriate safety measures for the two suspects.

213. The Heads of State and Government reiterated their shock at the immensely harmful effects, both human and economic, which the sanctions imposed upon Libya by Security Council resolutions 748 (1992) and 883 (1993) have caused the Libyan people. They further deplored the threats to tighten the sanctions imposed by the aforesaid resolutions in total disregard of the positive compliance by Libya with the demands set out in those resolutions. They noted that these threats continued despite repeated calls by regional and international organizations, including NAM, for the lifting of the sanctions imposed on the Libyan people.

214. In the light of these new developments, the Heads of State and Government decided that the sanctions imposed on the Libyan Arab Jamahiriya must be suspended once an agreement has been reached between the Libyan Arab Jamahiriya and the countries concerned on the arrangements and the guarantees leading to the appearance of the two suspects before the Court. They further decided that the sanctions must be totally lifted once the suspects have appeared for trial, and decided that NAM shall act accordingly.

United Nations A/53/429 – S/1998/857

General Assembly
Security Council

Distr.: General
23 September 1998

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General Assembly
Fifty-third session
Agenda item 50

Security Council
Fifty-third year

Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly and to the members of the Security Council the third annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, submitted by the President of the International Criminal Tribunal for Rwanda in accordance with article 32 of its statute (see Security Council resolution 955 (1994), annex), which states:

> "The President of the International Tribunal for Rwanda shall submit an annual report of the International Tribunal for Rwanda to the Security Council and to the General Assembly."

98-28044 (E) 280998

Annex

[Original: French]

Third annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

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I. Introduction

1. Since the submission of the second annual report to the General Assembly, the judicial activities of the International Criminal Tribunal for Rwanda have increased substantially. To date, 43 individuals have been indicted by the Tribunal and arrest warrants have been issued for each of them. Of these individuals, 31 have been apprehended by various States and handed over to the Tribunal for detention in its Detention Facility. One indictee, arrested in the United States of America, is still being held in that country pending his transfer to Arusha.

2. The first judgement ever handed down by an international court on the crime of genocide was that rendered by the Tribunal for Rwanda on 2 September 1998 in the case *The Prosecutor v. Jean-Paul Akayesu*. The accused was found guilty on nine counts – including genocide – of the 15 counts contained in the indictment against him. The pre-sentencing hearing will be held in September 1998 and sentencing will take place after the end of that month. The presentation of evidence for the defence in the joint case *The Prosecutor v. Clément Kayishema and Obed Ruzindana* ended in the first half of September, meaning that the second of the three trials begun before the Tribunal in 1997 is nearing an end. The third trial, in the case *The Prosecutor v. Georges Rutaganda*, will resume shortly. It has been adjourned repeatedly because of health problems of the accused and then of his lawyer.

3. On 1 May 1998, the Tribunal recorded the first guilty plea by an accused. Jean Kambanda, Prime Minister of the Interim Government established in Rwanda after the 6 April 1994 air crash in which President Habyarimana was killed, freely and voluntarily pleaded guilty to all the counts in the indictment against him, including those of genocide, direct and public incitement to commit genocide, complicity in genocide and crimes against humanity. Given the position occupied by Jean Kambanda at the time, his plea has implications beyond the issue of his own individual responsibility. In pleading guilty, the former Prime Minister not only acknowledged and confirmed that genocide did indeed occur in Rwanda in 1994 but also indicated that it was organized and planned at the highest levels, both civilian and military. This event is an historic one, in that it is the first time that anyone has pleaded guilty to the crime of genocide before an international criminal court. Jean Kambanda was sentenced to life imprisonment on 4 September 1998. The defence appealed the sentence on 7 September 1998.

4. These major developments must not, however, hide the fact that the judges are still encountering many difficulties in their work. The Tribunal still does not have the necessary technical resources and staff, despite its heavy workload. Under the Prosecutor's direction, further arrests have been made, *inter alia*, in the course of operations conducted in cooperation with the Kenyan authorities in July 1997 and with the authorities of many West African countries in 1998. The persons apprehended on these occasions had all occupied positions of authority in the Government or the armed forces or had in other ways been highly influential and well known in Rwanda in 1994. In addition to Jean Kambanda, another former minister was arrested on this occasion: Pauline Nyiramasuhuko, the first woman to be indicted by an international court. The addition of these new indictees to the detainees already awaiting or undergoing trial is making it more difficult to organize the judicial calendar, given the right of everyone charged with an offence to be tried without undue delay. Despite the fact that, for the reason just indicated, the consideration of some motions has not always been as expeditious as the judges would have wished, the two Trial Chambers have, to date, published some 150 decisions relating both to the indictment procedure and to various motions concerning, for instance, witness protection measures or preliminary motions.

5. The judges welcome the considerable efforts made by the new administration, under the direction of the Registrar, to improve the administrative and logistical support provided to the Chambers and the Prosecutor in their respective tasks. Following the construction of a second courtroom, which has indisputably speeded up proceedings, the gradual establishment of a legal reference library has made it easier to access the information needed to take decisions. The additional efforts under way should nevertheless be stepped up in order to expedite the solution of those problems which still remain. These include improving courtroom audio-visual equipment, computerizing judicial files and strengthening the human resources assigned to the translation and interpretation section.

6. At the Tribunal's request, the Security Council decided, by its resolution 1165 (1998) of 30 April 1998, to establish a third Trial Chamber in response to the difficulties encountered by the trial judges in discharging their responsibilities, responsibilities made complex by the combination of an ever-increasing number of detainees and the need to observe certain norms and principles governing the administration of justice.

7. In the resolution in question, the Security Council urged the organs of the Tribunal to continue their efforts to increase the efficiency of the Tribunal's work in their

respective areas, thereby enhancing procedures so that trials could be conducted more quickly. The Tribunal for Rwanda, like its counterpart, the International Criminal Tribunal for the former Yugoslavia, has in fact frequently been criticized for conducting trials too slowly. Experience has shown, however, that if this is the case it is because of a combination of at least two factors: first, the desire of the judges, given the seriousness of the crimes attributed to the accused, to dispense a justice which is beyond reproach and which is based on full respect for their rights and, secondly, the fact that the Tribunal's procedures themselves do not always allow justice to be dispensed promptly, as required by the general principles of law and by the Tribunal's Statute, particularly articles 19 and 20 thereof. Accordingly, the judges thought it advisable to consider amending the Rules of Procedure and Evidence ("the Rules") to eliminate anything that might slow down proceedings, in order to expedite trials. Much of this procedural reform, undertaken jointly by the judges of the two ad hoc international tribunals, was already put into effect at the fifth plenary session of the Tribunal for Rwanda, held in Arusha from 1 to 5 June 1998, at which numerous amendments to the Rules were adopted.

8. The present annual report, which reflects developments at the Tribunal since the submission of the second report in July 1997, describes the activities of the Chambers, the Prosecutor and the Registrar, then goes on to describe the Tribunal's cooperation with Member States, particularly Rwanda, and with other institutions, including the International Tribunal for the former Yugoslavia.

II. Summary of activities

A. The Chambers

9. On 24 and 25 May 1995, the General Assembly elected six judges for a four-year term of office. Judges Lennart Aspegren, Navanethem Pillay and Laïty Kama made up Trial Chamber 1, presided over by Judge Kama, and Judges Tafazzal Hossein Khan, Yakov Ostrovsky and William Hussein Sekule made up Trial Chamber 2, presided over by Judge Sekule.

10. During the Tribunal's second plenary session, in 1995, Judge Laïty Kama had been elected President of the Tribunal, and Judge Yakov Ostrovsky Vice-President. Their term of office was extended at the fourth plenary session, held in Arusha in June 1997.

11. The present composition of the Appeals Chamber is as follows: Judge Gabrielle Kirk McDonald, President; Judge Mohamed Shahabuddeen; Judge Lal Chand Vohrah; Judge Wang Tieya; and Judge Rafael Nieto Navia.

12. In its resolution 1165 (1998), the Security Council decided to establish a third Trial Chamber. It also decided that the elections for the judges of the three Trial Chambers would be held together, for a term of office to expire on 24 May 2003. As an exceptional measure, to enable the third Trial Chamber to begin to function at the earliest possible date, the elections should take place as soon as possible.

1. Regulatory activities

13. During the fourth plenary session, held in Arusha from 2 to 6 June 1997, a number of amendments to the Rules were adopted. A new rule (7 *bis*) was adopted so as to authorize the President to report to the Security Council any failure by a State to assist the Tribunal on the basis of a request from a Trial Chamber, a Judge or the Prosecutor acting under article 28 of the Statute.

14. The Rules were also amended with a view to:

Clarifying the procedure for requests for deferral submitted to the national authorities by the Tribunal in respect of investigations and criminal proceedings;

Allowing a judge who ordered, under rule 40 *bis*, the transfer and provisional detention of an accused to sit on the Trial Chamber hearing the case against the accused;

Providing long-term arrangements for the protection of witnesses called before the Tribunal;

Authorizing the Registrar to replace assigned counsel in exceptional cases and in cases of breaches of the rules of ethics;

Indicating to the Prosecutor the deadlines for communicating to the defence supporting material and witness statements, and bringing provisions governing items not to be communicated into line with the corresponding provisions of the Rules of Procedure and Evidence of the Tribunal for the former Yugoslavia;

Indicating to the two sides the procedure and deadlines for filing preliminary motions and other applications;

Clarifying the procedure for prosecuting and trying witnesses accused of giving false evidence.

15. At the fifth plenary session (Arusha, 1–5 June 1998), the Tribunal adopted substantial amendments to the Rules,

with a view to expediting proceedings before it. The amendments include the following: the decision to combine into a single procedure the trial phase and the sentencing phase; the holding of status conferences prior to the presentation of evidence by each side, during which the parties may be invited to highlight contested or uncontested points or issues, so as to enable the Chamber, the Judge or others to limit the number of witnesses called to establish the same facts; the decision to accept as evidence written depositions by expert witnesses, without the need for appearances in person before the Tribunal, subject to the other side's acceptance of such testimony. The Tribunal adopted a number of amendments to the Directive on the Assignment of Defence Counsel. They are intended, *inter alia*: (i) to provide a code of ethics for the functioning of defence counsel before the Tribunal; (ii) to improve the standard of counsel likely to represent indigent suspects or defendants, by providing that only persons with a minimum of 10 years of recognized experience will be eligible; (iii) to streamline the management of public funds allocated for the representation of indigent persons before the Tribunal.

2. Judicial activities

(a) Trials in progress

(i) Trial Chamber I

a. *The Prosector v. Jean-Paul Akayesu* (ICTR-96-4-T)

16. The resumption, on 13 October 1997, of the Akayesu trial was marked by the reading, in open court, of the new indictment, amended as authorized by the Trial Chamber on 17 June 1997. The accused was then invited to plead guilty or not guilty to each of the three new counts, relating to crimes of sexual violence, laid against him. Mr. Akayesu pleaded not guilty to all the counts.

17. The Prosecutor resumed the case for the prosecution by presenting evidence relating to the alleged crimes of sexual violence, as set forth in the aforementioned amended indictment. Special protective measures were taken by the Tribunal and the parties when the victims were heard.

18. The defence called its first witness on 17 November 1997. The last witness for the defence, the accused himself, Jean-Paul Akayesu, appeared on 12 March 1998. An order issued under rule 90 *bis* made it possible – with the cooperation of the Rwandese and Tanzanian Governments – to transfer to the Tribunal's headquarters three defence witnesses held in Rwanda. The defence also called General Roméo Dallaire, Force Commander, in 1994, of the United Nations Assistance Mission for Rwanda (UNAMIR). Before he testified, the Trial Chamber had invited a representative of the United Nations Secretary-General to appear as an amicus curiae in order to explain the limitations on the lifting of the immunity of General Dallaire, as stated by the Secretary-General.

19. The pleas having been completed, the Tribunal began its deliberations on 26 March 1998. In its judgement rendered on 2 September 1998, it found Jean-Paul Akayesu guilty on nine counts: genocide, direct and public incitement to commit genocide, and crimes against humanity (extermination, murder, torture, rape, and other inhumane acts). On the other hand, his guilt was not established with respect to the six other counts: complicity in genocide, violation of article 3 common to the Geneva Conventions of 1949 (murder, and cruel treatment), violation of article 3 common to the Geneva Conventions of 1949, and of article 4, paragraph 2 (e), of Additional Protocol II (outrage upon personal dignity, in particular humiliating and degrading treatment, rape and indecent assault).

20. Thanks to this decision – a historic decision for more reasons than one – it was possible to interpret and implement the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, and, for the very first time, an international criminal jurisdiction recognized that genocide had occurred in Rwanda in 1994. Attempting a definition of rape, an act that has no generally accepted definition in international law, the Trial Chamber concluded that the acts of sexual violence, in common with the other serious attacks on the physical and mental integrity of the Tutsi, were consistent with the specific intent of destroying that group.

21. The pre-sentencing hearing for Jean-Paul Akayesu was scheduled for 28 September 1998. Sentencing should take place shortly thereafter.

b. *The Prosecutor v. Georges Anderson Rutaganda* (ICTR-96-3-T)

22. The Rutaganda trial resumed on 29 September 1997 after the court vacation. When the first hearing began, the Trial Chamber, acting on a request by the accused to which the defence counsel did not object, authorized replacement of the chief defence counsel. Since then, the assistant counsel has been responsible for the defence of Georges Anderson Rutaganda.

23. The Prosecutor resumed the case by calling, among other witnesses, Professor Filip Reyntjens and Captain Luc Lemaire, a former "blue helmet" with the Belgian contingent of UNAMIR in Rwanda in 1994.

24. Unfortunately, the trial was adjourned on 27 March 1998 because of the precarious state of health of the accused.

and then of his counsel. It will not resume until they can again attend the hearings.

c. *The Prosecutor v. Jean Kambanda* (ICTR-97-23-T)

25. Jean Kambanda, a former Prime Minister in the interim Government of the Rwandese Republic formed in April 1994, was arrested during operation "Naki" in July 1997. During his initial appearance before Trial Chamber I, on 1 May 1998, he pleaded guilty to the six counts in the indictment against him: genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, complicity in genocide, and crimes against humanity (two counts). Jean Kambanda was therefore the first person found guilty by the Tribunal, and the first person ever to plead guilty to the crime of genocide before an international jurisdiction. The pre-sentencing hearing was held on 3 September 1998. On 4 September, Mr. Kambanda was sentenced to life imprisonment. In its judgement, the Trial Chamber took the view that the aggravating circumstances surrounding the crimes committed by Jean Kambanda far outweighed the mitigating circumstances. Above all, it contended, the fact that he occupied a high ministerial post at the time he committed the said crimes definitely ruled out any possibility of mitigating the punishment. On 7 September 1998, the defence appealed against that decision on the following grounds: the excessive nature of the penalty; the failure to take account of such mitigating factors as Mr. Kambanda's guilty plea and his cooperation with the Office of the Prosecutor; and the failure to impose a separate sentence for each count.

26. As a matter of record, Mr. Kambanda's guilty plea followed an agreement between him and the Prosecutor on 29 April 1998, in which he acknowledged all the allegations against him, undertook to cooperate with the Prosecutor by providing information on the events in which he was implicated, and expressed his willingness to testify for the prosecution in other cases before the Tribunal.

d. Motions and decisions

27. In addition to conducting the ongoing trials, the Trial Chamber has handed down a number of decisions on motions and applications filed by the Office of the Prosecutor and defence counsel. In most cases, that was before the trial phase.

(ii) Trial Chamber 2

a. *The Prosecutor v. Clément Kayishema and Obed Ruzindana* (ICTR-95-1-T)

28. Since the latest plenary session, this trial entered its second phase, extending from 29 September to 27 November 1997. During that period, the Prosecutor called 22 witnesses, bringing to 36 the number of witnesses appearing in 1997. The Prosecutor tendered 294 exhibits in 1997, as against 12 submitted by the defence. The trial was adjourned to 9 February 1998, on which date the Chamber began the third phase. That phase ended on 13 March 1998 with the Prosecutor making the closing speech after 52 witnesses had been heard and 345 exhibits tendered. The trial was adjourned to 11 May 1998, so as to allow the defence to prepare its case.

29. During this trial, a number of motions were made and heard. The Prosecutor made two motions, one for additional witness protection measures and the other for in camera hearing of statements by some prosecution witnesses. In the second phase of the trial, the defence made a motion for defence witness protection measures. In the third phase of the trial, defence counsel for Clément Kayishema also made a motion for defence witness protection measures, to which the Chamber agreed.

b. Other cases

30. The cases in question, which have not yet reached the trial stage, are as follows: *The Prosecutor v. André Ntagerura* (ICTR-96-10A-T); *The Prosecutor v. Elie Ndayambaje* (ICTR-96-8-T); *The Prosecutor v. Gérard Ntakirutimana and three others* (ICTR-96-10-T); *The Prosecutor v. Gratien Kabiligi and Aloys Ntabakuze* (ICTR-97-30-T); *The Prosecutor v. Jean Bosco Barayagwiza* (ICTR-97-19-I); and *The Prosecutor v. Sylvain Nsabimana* (ICTR-97-29A-I).

31. In the *Théoneste Bagosora* case (ICTR-96-7-I), from 1 July 1997 to 30 June 1998 six motions were heard, including one by the Belgian Government requesting a hearing as an amicus curiae. The hearing on the merits scheduled for 12 March 1998 could not be held, since the Prosecutor had issued a joint indictment involving Mr. Bagosora and announced that the case would be dealt with on the basis of that joinder.

32. In the *Samuel Imanishimwe* case (ICTR-97-36-I), the Second Trial Chamber heard five motions calling, among other things, for the separation of the cases.

(b) Delays in the conduct of trials

33. For a number of reasons there were many delays during both the pre-trial and the trial phases. These delays, which are a matter of great concern to the Trial Chambers, have given rise to criticism of the Tribunal, which has been accused of being too slow in administering justice.

34. To fully appreciate the reasons for the delays, it is necessary to draw a distinction between the three stages of each trial.

35. In the first stage, which is when the accused is transferred to the Tribunal's Detention Facility for an initial appearance, the Registrar must try to determine whether the accused is indigent so as to assign counsel to him or her as soon as possible if necessary, and to proceed with arrangements for the initial appearance. In one case, however, the accused objected to the assignment of a given counsel and requested representation by another counsel, which inevitably delayed the proceedings. The Tribunal is equally concerned to respect and safeguard the right of the accused to be effectively represented and to have a fair trial, and to ensure that his or her trial is rapid. It therefore had to act decisively, instructing the Registrar to replace the counsel assigned and promptly schedule an initial appearance.

36. During the second stage, from the initial appearance to the point where the trial begins, with an introductory statement by the Prosecutor and the submission of evidence during the hearing, defence counsel must be given sufficient time to prepare the case, carry out necessary research, compile evidence and identify witnesses, all of which takes time. In view of problems relating to the safety of witnesses, their resettlement and transferring them safely to and from the Tribunal, the Chambers normally grant requests for adjournment of trials; they have, however, had to devote much time to hearing a large number of motions by parties concerning such matters as the Tribunal's competence, drafting flaws in indictments, transmittal of documents, witness protection and joinder of cases, and also occasionally the replacement of defence counsel. In each case where counsel was replaced, it was necessary to ensure that the new counsel was given the required additional time to study the case. Over 200 motions have been heard and a corresponding number of decisions have been rendered by the Tribunal since 1996.

37. The third stage is that of the trial, during which the parties present their evidence and which ends with the closing speech for the prosecution and/or the closing speech for the defence. Delays at this stage are mainly attributable to difficulties encountered by all parties in locating witnesses and to the hearing of motions by parties during the trial.

38. Delays in trials are thus basically attributable to factors relating to the normal administration of criminal justice in general, and particularly at the international level. Among such factors are the hearing of motions by parties and difficulties relating to the location, transfer and safety of witnesses. The Chambers regularly hold preparatory meetings to plan the conduct of trials. In so doing, the Judges of the Trial Chambers have always endeavoured to ensure that judicial vacancies coincide with inter-sessional periods, so as to avoid delays in trials. The only instances in which some proceedings may have been delayed have been when normal judicial vacancies could not be made to coincide with agreed inter-sessional periods, when the President or a judge has been invited to represent the Tribunal at United Nations meetings or meetings in other international forums, or when a judge has been unable to sit for health or other personal reasons.

(c) Provisional detention and new indictments

39. The indictments issued in respect of Laurent Semanza (ICTR-97-20-I) and Jean Bosco Barayagwiza (ICTR-97-19-I), who were arrested in Cameroon in 1996, were confirmed by Judge Aspegren on 23 October 1997. The detainees were subsequently transferred to the seat of the Tribunal, in Arusha. Their initial appearances took place on 16 and 23 February 1998, respectively, at which they both pleaded not guilty in respect of all the charges against them.

40. In July 1997, seven accused persons and suspects were arrested during the NAKI (Nairobi-Kigali) operation organized on the Prosecutor's initiative. Pauline Nyiramasuhoko and her son Arsène Shalom Ntahobali (ICTR-97-21-I), in respect of whom an indictment had already been issued, were transferred to Kenya, to the seat of the Tribunal, where their initial appearance took place on 3 September and 17 October, respectively. They both pleaded not guilty in respect of all the charges against them.

41. Hassan Ngeze (ICTR-97-27-I), Sylvain Nsabimana (ICTR-97-29A-I), Aloys Ntabakuze (ICTR-97-30-I) and Gratien Kabiligi (ICTR-97-34-I) were also arrested in the course of the NAKI operation, and their indictments were all confirmed by Judge Aspegren. During their initial appearances before the Tribunal, they all pleaded not guilty.

42. The indictments in respect of Georges Ruggiu (ICTR-97-32-I) and Samuel Imanishimwe (ICTR-97-36-I) were confirmed by Judge Aspegren. The accused, who had been arrested in Kenya and transferred to the Tribunal's Detention

Facility, both pleaded not guilty during their initial appearances before the Tribunal.

43. Thirteen other individuals whose indictments have been confirmed have not yet been arrested. Arrest warrants and transfer and provisional detention orders have been issued in respect of two other suspects. One accused individual, Mr. Elizaphan Ntakirutimana, was arrested in the United States; after being released by a Texan judge in December 1997, he was arrested again in February 1998. United States courts are conducting additional proceedings with respect to the Tribunal's transfer request.

44. So far, the Tribunal has confirmed 26 indictments issued in respect of 43 individuals, 31 of whom are being held at the detention facility in Arusha.

(d) Joint indictment

45. On 6 March 1998 the Prosecutor submitted a joint indictment, for confirmation by a judge, in respect of *Théoneste Bagosora and 28 other individuals*. Eleven of these accused persons, in respect of whom confirmed indictments had previously been issued, were being held in Arusha and had already appeared before a Trial Chamber. Their trials were approaching the stage of the submission of evidence (first group). In the case of two of these individuals, hearings on the merits were scheduled for March and April 1998. The indictments in respect of five other individuals who were still at large had been confirmed (second group). Only the indictments in respect of 13 other individuals had not yet been confirmed (third group).

46. Judge Khan, in his decision of 31 March 1998, dismissed this joint indictment, which he considered inadmissible as drafted, on the grounds that he was not competent to confirm the indictment, particularly in respect of the 11 individuals in the first group, since they had already appeared before a Trial Chamber. Judge Khan also expressed the view that he had no competence with respect to the individuals in the second group, since they fell within the competence of the previous confirming judge; he also maintained that such an indictment could have been issued in respect of the third group, had it not been for the Prosecutor's insistence on maintaining the indictment as it stood – hence the Judge's refusal to consider the substantive aspects of the charges against that group.

47. The Prosecutor requested authorization to appeal that decision. The Appeals Chamber, having rejected his request for a stay of proceedings with respect to the accused individuals dealt with in the indictment, rejected that request as well.

B. The Office of the Prosecutor

48. The following developments took place in the period from 1 June 1997 to 31 May 1998. During that period, the activities of the Office of the Prosecutor were reinforced by the dynamics of a strategy designed to achieve some of the goals laid down in its mandate to prosecute those responsible for the events in Rwanda in 1994.

1. Strategy of the Office of the Prosecutor

49. In the period in question, the Office's strategy consisted in reorganizing the investigation and prosecution sections with a view to improving coordination of the Office's activities and taking account of requirements relating to the proceedings under way in Arusha. Another aim of this new policy was to take account of a number of requirements relating, on the one hand, to the nature of the crimes prosecuted, such as conspiracy to commit genocide and sexual crimes, and on the other hand, to proceedings under way before the Tribunal.

(a) Restructuring

50. The Office of the Prosecutor in Kigali has, since its establishment, operated on the basis of an Investigation Section and a Prosecution Section. These two sections always functioned with a very small staff, despite the Office's manning table and the requirements of its mandate. The Office's organization chart for the 1997 budget period makes provision for 137 posts, whereas at 1 May 1998 only 80 of the posts in question were filled and recruitment action was being taken in respect of 50 other posts.

51. The Investigation Section is headed by a temporary Director of Investigations, assisted by two commanders, who are also temporary.

52. The investigative teams that have been set up are chiefly responsible for collecting evidence implicating State and political authorities in crimes committed in Rwanda in 1994 that fall within the Tribunal's jurisdiction. Two teams are more particularly concerned with sexual crimes and the role played by the media in the events in question.

53. The Prosecution Section has only two trial attorneys and four assistant trial attorneys. A Chief of Prosecutions will need to be recruited to coordinate the prosecution activities, particularly at the court level.

54. The Legal Section comprises 16 lawyers divided into two teams: one team of legal advisers assigned to investigations and another to prosecutions. The Chief of the

Legal Section coordinates the activities of the two legal structures.

55. A Drafting Committee examines the draft indictments drawn up by the legal advisers assigned to investigations. A Revision Committee from the Prosecution Section with additional lawyers from the Investigation Section is responsible for drawing up the final indictment.

56. The Legal Section in the Office of the Prosecutor collaborates closely with the Legal Section in the Office of the Prosecutor for the Yugoslavia Tribunal in the context of an exchange of information on views on the legal issues relating to the activities of the two jurisdictions.

(b) Investigations

(i) Conspiracy to commit genocide

57. The investigations have revealed the existence of a nationwide plot in which the State authorities and elements of civil society, in particular members of the militia, were implicated. Determination of the components of the application and execution of this conspiracy remains a major objective of the investigations. To this end, investigations are being conducted throughout the territory of Rwanda (in the prefectures where security still permits) and in many countries.

58. The admission of guilt on 1 May 1998 by Jean Kambanda, former Prime Minister of the 1994 interim Government in Rwanda, is a tangible result of the investigations. Mr. Kambanda pleaded guilty, *inter alia*, to the count of conspiracy to commit genocide.

(ii) Sex crimes

59. The investigations are continuing to seek to shed light on the extent of these crimes. A total of 85 statements by witnesses has been compiled. This does not however exclude the probability of a larger number of victims potentially prepared to testify about these crimes and their perpetrators.

(iii) Testimony

60. A total of 546 statements by witnesses has been obtained. These are additional to some 1,500 other statements collected in preceding periods. This numerical result of the investigations also attests to the quality of the information and evidence collected. Consolidation of the evidence has made it possible to formalize 12 indictments and take the initiative of consolidating certain procedures already pending before the Tribunal.

61. The NAKI operation has enabled the arrest of seven suspects and two accused, among them leading figures from the 1994 interim Government, including the Prime Minister and the minister responsible for family affairs. This constitutes a major success for the strategy of the Office of the Prosecutor with respect to investigating and identifying those responsible for the massacres that took place in Rwanda in 1994. The successful conclusion of the operation was possible thanks to the cooperation of the Kenyan authorities.

(c) Prosecution

Amendment of indictments and consolidation of proceedings

62. The results of the investigations continue to reveal the interlinkages among all the crimes committed in Rwanda. Thus, some indictments have been amended with a view to consolidating elements of proof. In addition, the Prosecutor intends to continue bringing joint indictments against groups of individuals presumed to be guilty of the crime of conspiracy to commit genocide and other crimes provided for in the Statute of the Tribunal. In addition, the Prosecutor has been authorized by the competent Chamber to amend the indictment against Jean-Paul Akayesu to include the crime of rape as a constituent element of the crimes of genocide and other serious violations of international humanitarian law.

2. Judicial activities of the Office of the Prosecutor

(a) Recourse to rule 40 *bis* of the Rules

63. The Tribunal has authorized the Prosecutor, at his request, to have recourse to article 40 *bis* in order to transfer suspects arrested and detained in other countries on the basis of rule 40 of the same Rules. This has been done *inter alia* in the context of the NAKI operation.

(b) Confirmation of indictments

64. During the reporting period, the Office of the Prosecutor filed 12 new indictments, which were confirmed, with the exception of one, covering 29 accused, which was rejected. The Prosecutor has appealed the decision to reject.

(c) Proceedings before the Chambers

65. Following the confirmation of these indictments, the Prosecutor has had to respond to the preliminary motions raised by the defence. She has also had to file specific applications on issues of procedure and protection of

witnesses. In all, the Prosecutor has filed 76 applications before the Tribunal.

(d) Trials

(i) The *Jean-Paul Akayesu* case

66. The trial began on 9 January 1997 before Trial Chamber 1. The hearings were closed in March 1998. The case has been adjourned for consideration with a view to a decision as to the guilt of the accused.

(ii) The *Georges Rutaganda* case

67. Begun on 18 March 1997, the case is still pending before Trial Chamber 1. It is likely to resume very shortly with the submission of probative evidence by the defence, as soon as the state of health of the accused so permits.

(iii) *Clément Kayishema* and *Obed Ruzindana* case

68. The trial began on 9 April 1997 before Trial Chamber 2. After all the witnesses for the prosecution had been heard, the defence began to present its case.

69. For the requirements of these trials, the Prosecutor called 62 witnesses from Rwanda. In addition, there were expert witnesses and other witnesses who had served as investigators in the Office of the Prosecutor.

3. Other activities of the Office of the Prosecutor

70. The other activities of the Office of the Prosecutor have comprised building on what has already been done and promoting cooperation with our various partners in the international community.

(a) Regulatory activities of the Prosecutor

71. Under rule 37 of the Rules, the Prosecutor prepared an internal document (Prosecutor's Directive No. 1 (1998)) designed to regulate the procedure to be followed subsequent to an application made by a national authority to hear a person detained by the International Criminal Tribunal for Rwanda.

(b) Seminar on sex crimes

72. In October 1997 a seminar on sexual aggression was held in Arusha, organized jointly by the prosecutors' offices of the tribunals for Rwanda and the former Yugoslavia. The Special Adviser to the Secretary-General of the United Nations on Gender Issues and the Advancement of Women, a representative of the Rwandan magistracy, international experts on the subject and representatives of Rwandan non-governmental organizations participated in the meeting. A clear statement was given of the Office's policy in this area, thus permitting a fruitful exchange on the legal and social aspects of these crimes.

(c) Cooperation with the Rwandan Government

73. The Office of the Prosecutor has maintained good relations with the Rwandan governmental authorities, and these have been reflected in better coordination of its investigations at the State institutional level and access to certain pending proceedings before the Rwandan courts. The cooperation of the Rwandan State also facilitated the travel to Arusha of the prosecution and defence witnesses living in Rwanda.

(d) Cooperation with the international community

74. In the course of their travels around the world, the Prosecutor and the Deputy Prosecutor have attempted to stimulate and strengthen cooperation by the international community in the accomplishment of their mission. They have visited many countries and United Nations Headquarters, where they had frequent meetings with representatives of international organizations. These visits have enabled them to define the outlines of the cooperation sought by the Office of the Prosecutor.

75. The Prosecutor and the Deputy Prosecutor have attended international meetings and given lectures in Europe, Asia and North America on the unique experience of the two ad hoc tribunals as a forerunner to the establishment of a permanent international criminal court.

C. The Registry

76. Thanks to the new dynamism imparted by the Registrar, a series of measures has been initiated to improve the efficiency and effectiveness of the Tribunal's operations, including systematic implementation of the recommendations contained in the first report by the Office of Internal Oversight Services of the United Nations Secretariat. In its follow-up report issued in February 1998, OIOS was able to conclude that substantial improvements had taken place in almost all sectors of the Tribunal's operations.

1. Judicial activities

77. The construction of the second courtroom, which became operational on 29 August 1997, has made it possible for the two trial chambers to operate simultaneously and for

the proceedings before the Tribunal to be speeded up. With the recruitment of a Deputy Registrar, the Judicial and Legal Services Division of the Registry now has the essential link required for the ongoing systemization of the function of judicial support to the chambers and the other parties in the proceedings before the Tribunal. It is the Deputy Registrar who is responsible among other things for supervising the activities of this Division.

(a) Management of judicial activities

78. Management of these activities is the responsibility of the Court Management Section of the Registry. Its responsibilities comprise making the necessary administrative arrangements for the organization and effective conduct of the hearings and other proceedings before the Tribunal, as regards *inter alia* drawing up the court calendar (in consultation with the chambers and the parties), documents distribution, technical support, and drafting of the minutes and verbatim records of hearings. This Section is also responsible for classifying and distributing the judgements, orders, applications, pleadings and other official documents of the Tribunal, as well as for receiving and archiving the exhibits presented by the parties during the proceedings.

79. One of the difficulties that this Section faces on a daily basis is that of being able to manage the quite often conflicting interests of the parties when drawing up the court calendar, the ultimate approval of which rests with the chambers, the competent judge or the President of the Tribunal. The Directive on Court Management, submitted by the Registrar and adopted at the fifth plenary session of the Tribunal judges, proposes appropriate procedures designed to manage these constraints, as well as all the other difficulties arising from the day-to-day administration of the Registry's judicial activities, in a professional manner. From this point of view the bringing into service of the second courtroom has made a decisive contribution to improving the design and management of the court calendar.

80. The Registry now has a special unit in the Court Management Section for transcription of the hearings into the Tribunal's two official languages. It consists of a team of professional court stenographers recruited by the Registry. Using electronic equipment with which they are provided, the stenographers are, with a decreasingly short time-lag, producing transcripts of the hearings, thus enabling the judges and all the parties to discharge their respective responsibilities increasingly effectively. A manual drawn up for the Tribunal's stenographers makes it possible to harmonize the practices drawn from the various legal systems from which the persons concerned come, and thus to ensure respect for the standards of the profession.

81. During the reporting period, four appeals were filed against decisions handed down in cases: (a) *Joseph Kanyabashi* (ICTR-96-15-T); however, this appeal was subsequently withdrawn; (b) *Pauline Nyiramasuhuko and Arsène Shalom Ntahobali* (ICTR-97-21-I); (c) *Georges Anderson N. Rutaganda* (ICTR-96-3-T); (d) *Théoneste Bagosora and others*. Sitting in Arusha on 8 June 1998, the Appeals Chamber of the Tribunal handed down two decisions: one, in the *Rutaganda* case, rejecting the motions by the defence that the Prosecutor should be ordered to conduct investigations relating to false witness against two prosecution witnesses; and the other rejecting the request for authorization to appeal filed by the Prosecutor in the *Bagosora case and 28 others*. In a prior decision in the latter context, the Chamber had rejected the application by the Prosecutor for a stay of all proceedings with respect to the accused referred to in the collective indictment.

(b) Victims and witnesses

82. Despite the difficulties, the Registry Unit responsible for witness and victim support enjoyed unprecedented success. In July 1997, the Victims and Witnesses Support Unit was made a section as part of the internal reorganization of the Registry, in recognition of the importance of its activities and the need to enhance the effectiveness of its operations. For this reason the Section now has a suboffice in Kigali, Rwanda, in addition to the main office in Arusha.

83. The main office is basically responsible for the overall coordination of the Section's activities, particularly the provision of protection and support for both prosecution and defence witnesses. This support takes the form of financial, medical or other assistance. The main office is also responsible for organizing the travel of witnesses to and from Arusha.

84. The Kigali office has responsibility within Rwanda for operations such as travel and relocation and other activities relating to witnesses resident there. It serves as a liaison with the local Rwandan authorities in the context of implementing the witness support and protection programme.

85. The Tribunal has succeeded in bringing to Arusha and returning to their homes more than 100 witnesses, including victims of sexual violence and expert witnesses from several countries. Whether they testified for the prosecution or for the defence during the trials at Arusha, all received the same treatment. Twelve witnesses who were considered to be at particular risk were permanently relocated in Rwanda and another country. Negotiations are under way with a number

of Governments with a view to reaching agreements on some aspects of the way post-testimony protection of witnesses at risk is handled.

86. From June 1997 to the present, no potential or actual witness before the Tribunal has lost his or her life as a result of his or her real or presumed relationship to the Tribunal.

(c) Relations with the defence counsel

87. The Tribunal's system of legal assistance is chiefly governed by the Directive on the assignment of Defence Counsel (the Directive). First adopted on 9 January 1996, this document has been amended several times in order to reflect the Tribunal's experience in this area. Implementation of the Directive is essentially the responsibility of the Lawyers and Detention Facility Management Section of the Registry, created on 1 July 1997.

88. In particular, this Section is responsible for maintaining the list of counsel who have expressed a desire to represent the accused, suspects or other indigent persons who have been detained under the Tribunal's authority as provided for in rule 45 of its Rules of Procedure. The number of persons on this list grew exponentially as the Tribunal's activities became more known internationally, peaking at 284 persons representing 34 nationalities. This number has decreased significantly in the wake of recent amendments to the Rules of Procedure and the Directive which imposed new eligibility requirements, namely a minimum of 10 years of documented professional experience. At present, the Tribunal has 43 counsel (including co-counsels) from 15 countries assigned by the Tribunal.

89. To date, the Tribunal has no unassigned lawyers. After initially declaring himself capable of meeting the expenses of his defence before the Tribunal, the accused Hassan Ngeze subsequently retracted that claim and requested that counsel should be assigned to him.

90. As almost all duty counsel live outside Arusha, the Registry has continued to provide them, at Tribunal headquarters, with the minimum facilities required for their work during their stay in Arusha. In addition to two rooms adjacent to the courtrooms, they have been given two offices equipped with computers, telephone lines and a fax machine. Each one has also been issued a locker in which documents are delivered whenever counsel are in Arusha. Additional lockers now allow each defence team to have enough space to hang up their robes and store important documents. Owing to the lack of reliable public transport, the Registry provides counsel with transport for official travel within Arusha, to and from the airport, Tribunal headquarters and the Detention Facility. These facilities are in addition to the other human and material resources made available to counsel as they defend their clients' interests. These include: (a) assignment, where necessary, of a co-counsel to assist the chief counsel in carrying out his work; (b) authorization to use the services of investigators, research assistants and experts, and so forth.

91. However, the entire legal assistance programme can only remain viable through increasingly rational management of the extremely limited resources available. Accordingly, on 2 April 1998 the Registrar convened a meeting in Arusha of the Advisory Council which is provided for in article 29 of the Directive and is composed of representatives of the major international bar associations. On the basis of their expert opinion, an improved system for monitoring expenses and assessing the fees of lawyers and their teams was instituted. The Code of Ethics for lawyers appearing before the Tribunal, adopted by the fifth plenary session of judges on the proposal of the Registrar, is an essential link in the constantly evolving legal framework of the Tribunal's legal assistance system.

(d) Detention facility

92. The Tribunal's detention facility has been the focus of much attention during the period under review. Additional staff have been assigned to the facility, including a new Commander, and a certain amount of construction has been completed. The facility contains 52 cells, six of which are reserved for women detainees as necessary. Since July 1997 the facility has been visited by representatives of the International Committee of the Red Cross (ICRC), who were asked by the Tribunal to study and report on all aspects of detention conditions and to ensure that those conditions met internationally recognized human rights or humanitarian law standards. At the conclusion of these missions, ICRC systematically declared that it was satisfied with the work done in that area, and that assessment was consistently reflected in the reports submitted on the subject.

93. This satisfactory operation of the Detention Facility is made possible largely through the cooperation of the host country, which provides reimbursed support in the transfer and security of detainees.

2. Information and communication activities

94. The Press and Information Section intensified its activities and redefined its targets during the period under review. Its current mailing list, which has over 850 recipients, includes news services in Kigali, Nairobi, Dar es Salaam, and Addis Ababa and international and non-governmental organizations, embassies and diplomatic posts

in the subregion, a number of universities and major law schools, and lawyers on the duty counsel roster. The mailing list also includes the United Nations Secretariat, the members of the Security Council, the Group of 77 and the Group of African States, senior staff of the International Criminal Tribunal for the former Yugoslavia, the main offices in New York concerned with the Tribunal's activities, United Nations Information Centres and Permanent Missions to the United Nations.

95. Information is disseminated by fax, electronic mail or post. Most of the mailing list is handled directly by the Tribunal's headquarters in Arusha, while another part, comprising persons and institutions located in Rwanda, is dealt with by the offices in Kigali.

96. Information consists mainly of public documents issued by the Tribunal or concerning it: the Statute, Rules of Procedure and Evidence, the Directive on the Assignment of Defence Counsel, the provisional Rules governing the detention of persons awaiting trial or appeal before the Tribunal, the Code of Ethics for lawyers appearing before the Tribunal, indictments, motions, orders, decisions and so forth.

97. The Press and Information Service produces the following supporting materials: press releases; a bimonthly news bulletin (*ICTR News*); an overview of the Tribunal, updated monthly (*ICTR Fact Sheet*); a full and detailed history of the Tribunal (*Introduction to the ICTR*); a document, part press release and part legal analysis of cases, entitled *ICTR Updates*, issued whenever a major legal event takes place (outcome of a trial, submission of a new accusation, etc.). A calendar of the Tribunal's activities is issued regularly. All these documents are issued in French and English, and in Kinyarwanda when necessary.

98. A media assistance policy has made it possible for the Registry to ensure, with the help of the United States Agency for International Development (USAID), the quasi-permanent presence in Arusha of Rwandan journalists. Their regular reports to Rwanda in Kinyarwanda, French and English have revolutionized the Rwandan people's perception of the Tribunal. The Tribunal has also facilitated the permanent establishment in Arusha of the media, including three news services and non-governmental organizations dealing with communications: Fondation Hirondelle, of Switzerland; Intermedia, of France; and Internews, from the United States of America. A dozen local journalists representing the major Tanzanian newspapers attend the Tribunal on a regular basis. A total of 202 journalists are accredited with the Tribunal.

99. The major news services (Agence France Presse, Reuters, Associated Press, Kyodo News), globally recognized broadcasting companies (BBC, CNN, CBC, WTN, VOA, RFI) and noted newspapers (*Toronto Star*, *The New York Times*, *The Washington Post*, *Le Monde*, *Libération*, *L'Express*, etc.) have visited the Tribunal in order to cover its activities between June 1997 and May 1998.

100. More systematic relations with other United Nations bodies and agencies, such as the Office of the Secretary-General, the Office of the Spokesperson, the Department of Public Information, the Office of Legal Affairs, the United Nations Information Centres and offices around the world have also improved the dissemination of information about the Tribunal.

101. During the period covered by this report, the Press and Information Section issued 74 press releases and *ICTR Updates*. A total of 892 public documents was transmitted to Kigali by fax, electronic mail or postal service for the media, non-governmental organizations, United Nations agencies and programmes, embassies, lawyers and so forth. The Section received 685 requests for documents from the press and 410 requests from the public. In addition, it organized 29 guided tours of the Tribunal for universities, various leaders and other interested groups.

3. Group on Gender Issues

102. Created in 1997, the Group on Gender Issues is intended to provide advisory services on questions related to gender issues within the Tribunal and to victims and witnesses. It is also responsible for developing strategies for improving the necessary support for victims and witnesses.

(a) Problems related to gender issues

103. In order to rationalize questions relating to parity within the Tribunal and ensure the implementation of the relevant administrative instruction of the Secretary-General (ST/AI/412) on the achievement of gender equality, the Group carried out a statistical study of the distribution by sex of the staff of the Tribunal. This study was used in the context of various interdepartmental meetings (Arusha) and at a number of awareness-raising events (Kigali) to provide guidance for the Tribunal's recruitment policy with a view to taking fuller account of the female element. The Group is working closely with the Personnel Section and the staff association on all matters relating to the marginalization of women, sexual harassment, family problems, etc.

104. The Group represented the Tribunal at various regional and international meetings on questions relating to women,

including the following: equality issues arising from the genocide in Rwanda and the trials in Arusha (Arusha, October 1997); second workshop on crimes of sexual violence (Arusha, October 1997); questions of equality and persecution (Toronto, November 1997); women, land ownership and property rights (Kigali, February 1998); and women, war and justice (Geneva, April 1998).

105. The Group has reviewed the problems which arise for women, as described by the victims and the witnesses; these problems will be taken up in the context of the project which is currently being finalized entitled "Programme of assistance for justice and reconciliation".

(b) Assistance to victims

106. In order to involve victims and potential witnesses in defining the type and amount of the support they believe to be necessary, in accordance with the provisions of rule 34 (ii) of the Rules of Procedure and Evidence, in August 1997 the Group carried out an evaluation of needs on the basis of which a description of the project, taking into account their suggestions and expectations, was drawn up. This document was subsequently supplemented with observations by the Office of Legal Affairs of the United Nations Secretariat, in November 1997.

107. In the context of the missions to Rwanda in February and March 1998, planning meetings were organized at Kigali focusing on the formulation of appropriate strategies for assistance to victims/witnesses and the definition of priorities. They were held with the participation of local non-governmental organizations which provide assistance to victims' and women's associations – our main partners – and some government representatives. Field visits, in particular to women's associations and women held in the prisons in Kigali, were also organized.

108. After a lengthy process of consultations, the final phase of which closely involved the office of the United Nations Development Programme (UNDP) at Kigali, the final version of the description of the project "Programme of assistance for justice and reconciliation" was issued in May 1998. At the same time, valuable contacts were established by the Group with various donors who have shown a keen interest in financing the project.

(c) International cooperation

109. The Group has participated in discussions with the representatives of various United Nations bodies, both in Kigali and in Arusha (including UNDP, the Office of the United Nations High Commissioner for Human Rights, UNESCO, the United Nations Centre for Human Settlements and the United Nations Development Fund for Women). Contacts have also been made with senior officials of many countries who visited the Tribunal (Belgium, Denmark, Finland, Norway, Rwanda, Switzerland, United Kingdom) and international associations for the protection of human rights.

4. Library

110. As the library has become fully operational, the fledgling library which existed before has progressively evolved into a more organized structure, thereby becoming, to a far greater extent than in the past, an effective working tool and aid to decision-making for judges and their assistants, the Office of the Prosecutor, the Defence counsel, and the Registrar. In the opinion of all these users themselves, the result has been a substantial improvement in their working conditions, particularly at the level of research and access to information. The library issues a weekly bibliography containing a list of new acquisitions and a summary of the periodicals received recently. Administratively, the library is under the direct supervision of the Deputy Registrar.

111. Since the first quarter of 1998, it has been possible to carry out research from Arusha on Lexis-Nexis and on a number of other databases through the Internet. With the acquisition of more spacious premises, better suited to the needs of readers, expected by the end of 1998, the creation of a cyberspace is envisaged. It should offer to all users the possibility of carrying out individual research on Lexis-Nexis, the Internet, and CD-ROMs, as well as access to the database of the Tribunal library. In addition, there would be access to the United Nations Optical Disk System (ODS), which would make it possible to obtain all United Nations documents instantaneously in real time. The Kigali library, where a librarian has also been recruited recently, should have comparable services in the near future. In the meantime, research for Kigali is carried out from the library in Arusha, and then retransmitted to the persons concerned by electronic mail or by facsimile.

112. During the reporting period, the two libraries received donations from the Canadian, Danish and Irish Governments; various Canadian and United States associations; and non-governmental organizations for human rights and university and/or research institutions, particularly from Germany and Switzerland. These donations enabled the two libraries to establish a sizeable core of holdings and subscribe to a number of periodicals and journals. Many publications have been received from the United Nations.

113. Short-term projects are concerned with, in particular, the recruitment of additional staff, the acquisition of new electronic equipment, the enhancement of existing collections, subscription to additional periodicals, and the acquisition of supplementary CD-ROMs. The establishment of a database of holdings, prior to the full computerization of the library, is also under way.

5. Administration

114. The Administration Services Division is responsible for providing support to all activities of the Tribunal in the following areas: personnel, finances, language services, security, and general services. Over the past year, the emphasis has been placed on questions relating to personnel, premises and logistics.

115. The balance of the budget for the year 1997, $15,128,200 (net) ($18,402,500 gross), including authorization for expenditure for the last six months of the year, was approved in General Assembly resolution 51/215 of 13 June 1997. The appropriation for the entire year therefore amounted to $35,974,800 (net), or $41,517,450 (gross). It represents an increase of 35 posts compared with the number of posts which had been authorized in the staffing table for 1996; the incumbents of these posts had their contracts extended to 30 June 1997.

116. The annual budget for 1998, amounting to $50,879,100 (net), or $56,736,300 (gross), was approved by the General Assembly in resolution 52/218 of 22 December 1997. It also provided for an increase in the number of posts compared with the authorized posts mentioned above; this time, the increase consisted of 167 posts, including 111 international posts, divided as follows: 31 Professional, and 80 General Service and related categories. The rest of the posts were local posts.

117. A commitment authorization for about $1.4 million was approved for the period from 1 July to 31 December 1998 by the Advisory Committee on Administrative and Budgetary Questions so as to launch the work for the construction of the third courtroom.

118. The Tribunal has received several offers of voluntary contributions for 1998, which should make it possible to cover a number of basic needs. Following an initiative by the President, the French Government plans to provide audio and video equipment for the courtrooms. The Finnish Government has made a contribution of about $190,000 to improve the Tribunal's communications system and provide transportation to Arusha for witnesses.

119. The Tribunal has accepted offers from other Governments, in particular for gratis personnel, up to 30 June 1998, since the Secretary-General has undertaken to eliminate the services of this category of personnel by that date. Among the Governments which seconded personnel to the Tribunal during this period were Denmark, Germany, the Netherlands, Norway, Switzerland and the United Kingdom.

(a) Personnel

120. As of 1 October 1997, the Department of Management delegated responsibility for all questions relating to human resources management to the Registrar for a trial period of one year. The Chief of Administration signed an agreement, on behalf of the Tribunal, establishing the details of the procedure to be applied during the trial period. Immediately after the delegation of authority, the Registrar set up all the appointment and promotion bodies, consisting of staff members stationed at Arusha and Kigali, and representatives of all the organs of the Tribunal.

121. A staff association was established during the reporting period at Arusha and Kigali: its officers were elected on 3 October 1997, for an initial period of one year. The staff association has undertaken to work with the administration to review problems relating to staff welfare. This year, the staff association helped organize the participation of staff from the Tribunal in the United Nations Inter-Agency Games held at Pesaro (Italy).

122. Thus the recruitment efforts that had been made since June 1997 were continued. During the year 1997, 210 new staff members were recruited, and 189 received offers to renew their contracts with the Tribunal. At the end of the year, however, many posts had not yet been filled. For the 12-month period ending on 30 June 1998, 80 new staff members are to be recruited, including 20 Professionals, 30 General Service and related categories recruited internationally, and 30 local staff.

123. Special attention has been paid to the recruitment of investigators (11), administrative support personnel (30), and courtroom staff (11), particularly court stenographers and security guards. During 1998, the reorganization of the Victims and Witnesses Support Section, which now includes a group at Kigali, necessitated increased recruitment in this area.

124. The Deputy Prosecutor started work in May 1997; and the Deputy Registrar, in March 1998. Recruitment is under way to fill the new post of appeals counsel in the Office of the Prosecutor and the post of Investigations Commander.

125. The recruitment procedure is under way to fill posts (a) in the Office of the Prosecutor (the posts of Chief of Investigations and Chief of Prosecutions, both D-1); (b) in the Office of the Registrar (Chief of the Press and Public Relations Group, Spokesperson); (c) in the Judicial and Legal Services Division of the Office of the Registrar (Chief of the Victims and Witnesses Support Section; Chief of the Lawyers and Detention Facility Management Section; Chief of the Judicial Services Section); and in (d) the Administrative Services Division (Chief of General Services; Chief of the Security and Protection Section; Chief of Procurement, Chief of the Electronic Data Processing Section). The new Chief of Communications took office during the second quarter of 1998.

126. The delays in recruitment may be explained in part by the fact that the procedure of review of files and selection and recruitment of candidates is highly labour-intensive, since the files have to pass through the various recruitment and promotion bodies established to consider these questions, and also because the candidates who are selected need time to prepare to take up their duties. The new restrictions which are applied to recruitment at headquarters in New York also apply to the Tribunal. As a result, temporary recruitment attracts very few candidates. It is therefore difficult to make use of this practice to meet the immediate needs of the Tribunal for Professional staff. The delays in recruitment also result from the fact that it is no easy task to recruit over 200 qualified applicants for a complex range of occupational groups and to motivate recruited staff to remain with the Tribunal.

(b) Logistical and other support

127. Through better organization and higher staffing levels, it has been possible to provide other support services, although the workload, along with vacancies in certain key posts, is continuing to sorely try the capacities of the Tribunal. The Tribunal is experiencing difficulties in its relations with outside parties, and still has to rely on the cooperation of a number of them to facilitate its operation.

128. For example, despite optimistic predictions, since mid-1997 the Tribunal has not been able to obtain additional space for its headquarters in the Arusha International Conference Centre (AICC) complex. It was only during the first half of 1998 that the management was able to provide the additional space needed to set up the third courtroom and provide for the additional staff that were expected. The request for space made by the Tribunal in order to set up a cafeteria at Arusha, a service which would have helped improve the morale of the staff, was rejected by the management. The space to be used for provisional detention cells in AICC has still not been made available. The efforts to increase the capacity of the United Nations Detention Facility have not yet been successful. Indeed, the question of compensation for space allocated by the host country to the detention centre has not yet been finally resolved. It is still under discussion between the Office of Legal Affairs of the Secretariat and the Registrar of the Tribunal. Recent signs offer the hope of a rapid solution, in keeping with the interests of the Tribunal.

129. At Kigali, too, delays in connection with legal issues relating to the preparation of the site selected by the Tribunal for the construction of its premises have meant that it has neither been possible to plan the fitting out of the current premises in a rational manner nor to take steps to allow the Rwandan people to follow on an ongoing basis the conduct of the hearings. The Tribunal is in the process of studying the offer made by the new owner to lease part of the building.

130. Nevertheless, over the reporting period, the second courtroom has been built and fitted out with sound-recording equipment. The two existing courtrooms have been furbished so as to accommodate up to 25 accused at one time. The plans for the third courtroom provide for improvements which, in due course, will be incorporated in the others. Barring delays in the acquisition of premises for use as additional offices, the third courtroom should be ready for use on 31 October 1998.

131. The Administrative Services Division is responsible, *inter alia*, for travel services, purchases, supplies and equipment; buildings management; routine transport such as the everyday transport of detainees and ad hoc tasks such as airport service for staff on official mission or arriving to assume their functions or to welcome visitors; satellite communications; technical services and translation of proceedings; and the provision of technical equipment for information purposes.

132. The satellite communications system was upgraded twice in 1997 so as to allow a more rational division of transponder services between Arusha and Kigali, to provide a direct link between Arusha and Kigali, to expand the capacity for processing traffic with New York by over 300 per cent and to establish a temporary satellite connection with the International Criminal Tribunal for the former Yugoslavia at The Hague. The Tribunal is studying ways of establishing secure communications with duty stations outside headquarters, of establishing teleconferencing services between Arusha and Kigali, and of establishing a fax transmission system with a switching mechanism for

Arusha and Kigali and a permanent satellite link with The Hague.

133. While these state-of-the-art services are being set up, Tribunal users may have access to the Internet through a local provider. The Tribunal's home page went on line in May 1997. For Kigali, access to the Internet is temporarily being provided through Brindisi with the help of the Field Administration and Logistics Division. The Lexis-Nexis system, an on-line legal research tool, has also been installed over the reporting period. Appropriate user training and selective access comprise significant elements of the strategy to ensure rational use of the system.

134. Equipment ordered by the Transport and Electronic Data Processing Sections was received in the final quarter of 1997 and immediately put into service. Additional needs connected with the operation of a third Trial chamber should be known shortly.

III. Cooperation

A. Strengthening of cooperation with the International Criminal Tribunal for the former Yugoslavia

135. Cooperation with the International Criminal Tribunal for the former Yugoslavia has developed and strengthened in virtually all areas and at all levels.

136. Legal cooperation, already on an institutionalized basis as a result of the sharing of a single Appeals Chamber by the two Tribunals, has been a particular area of activity as a result of submission by the parties of several appeals in the context of certain cases. The Registry of the Tribunal has, on these various occasions, provided the logistical and personnel support required by the Appeals Chamber in the discharge of its duties vis-à-vis the International Criminal Tribunal for Rwanda. Permanent arrangements relating to the rational management of this area of cooperation are under discussion between the two Registrars and should be completed at any time.

137. The various organs of the two Tribunals have continuously exchanged information and experience on various aspects of their respective mandates. The International Criminal Tribunal for Rwanda has continued to place at the disposal of the International Criminal Tribunal for the former Yugoslavia, at no cost, its team of expert jurists as well as the necessary equipment for the performance of their work in the former Yugoslavia.

138. Before taking up his duties at Arusha, the Tribunal librarian completed a posting at The Hague, where he made useful contacts with his counterparts in the International Criminal Tribunal for the former Yugoslavia, the International Court of Justice and comparable Dutch institutions.

139. The public information services of the two Tribunals have institutionalized a system for exchanging information on their respective activities. Like the International Criminal Tribunal for Rwanda, the International Criminal Tribunal for the former Yugoslavia will now transmit to Arusha on a regular basis all the public decisions handed down by its chambers.

140. In order to benefit from the experience of the International Criminal Tribunal for the former Yugoslavia regarding audio-visual equipment in the courtrooms, a team from the International Criminal Tribunal for Rwanda travelled to The Hague in September 1997.

141. So as to facilitate contacts between the two Tribunals, the International Criminal Tribunal for Rwanda has developed a direct telephone communication system between Arusha-Kigali and The Hague via New York.

142. The Registrars of the two Tribunals have agreed, in addition to written and telephone contacts, which are already bearing fruit, to institutionalize meetings between senior officials of the two Registries with the aim of exchanging information and views on questions of common interest arising from the functioning of the two Tribunals.

143. Questions relating to witnesses and victims comprise a major area of cooperation, even if the circumstances differ in several ways from one context to the other. Thus, certain specific measures undertaken in the case of the International Criminal Tribunal for the former Yugoslavia are not really applicable to the International Criminal Tribunal for Rwanda, and vice versa. The essential principles of the protection of witnesses, fortunately, are the same.

144. In this connection members of the witnesses and victims' support units met in June 1997 in Geneva, in the context of a week-long meeting on the establishment of common standards for the protection and support of witnesses of the two Tribunals organized by the Swiss international legal non-governmental organization The Coordination of Women's Advocacy (CWA) and funded by the Swiss Government. The meeting served as a forum for the two competent sections of the two Tribunals to meet, discuss their respective experience and begin a process of harmonizing their policies, strategies and activities.

B. Cooperation with States

1. Legal cooperation: arrests

145. Under article 8, paragraph 2, of its statute, the Tribunal has primacy over national courts. Article 28, paragraph 2, of the statute stipulates that:

> "States shall comply without undue delay with any request for assistance or an order issued by a Trial Chamber ..."

The Registry, in accordance with rules 40 *bis*, 55 and 56 of the Rules of Procedure and Evidence, transmitted a number of orders, summonses, writs, warrants and transfer orders to the authorities of several States. In general, the latter have cooperated fully with the Tribunal. For example, in July 1997, during the "Naki" (Nairobi-Kigali) operation, the Government of Kenya authorized the arrest and transfer to Arusha of seven suspects and accused. Likewise, in November 1997, the Government of Cameroon authorized the transfer of two accused to the Tribunal's headquarters. Lastly, in April 1998, the Government of Burkina Faso, in turn, arrested another accused at the Tribunal's request.

2. Legal cooperation: witnesses

146. With respect to the travel and safety of witnesses, the Victims and Witnesses Support Unit has benefited enormously from the valuable assistance of the Governments of Rwanda, the United Republic of Tanzania, Kenya, Senegal, Côte d'Ivoire, the Central African Republic, Belgium, Cameroon and the Netherlands. The Government of Rwanda has cooperated fully with the Tribunal in the transfer of detained witnesses to Arusha, where they testified, and, particularly, in the successful internal relocation of certain witnesses who feared for their safety following their testimony. At the Tribunal's request, States Members of the United Nations such as Senegal and the Central African Republic have issued special travel documents to witnesses in need, thereby enabling them to appear before the Tribunal in Arusha and to return to their places of residence following their depositions. The Tanzanian Government, for its part, has provided substantial assistance to the Tribunal by ensuring the safe entry and stay of witnesses in Arusha.

147. The Tribunal has great difficulty in bringing to Arusha witnesses who lack travel documents or whose immigration status in their countries of residence is irregular. In these cases, the Tribunal has negotiated directly with the States concerned. Although the results to date are encouraging, they have been achieved at the price of indescribable efforts which could usefully have been obviated by the issuance of temporary documents by the United Nations. Such documents, which should be guaranteed by the Tribunal and recognized by the States concerned, would undoubtedly facilitate the Tribunal's activities in this key area.

148. A number of Governments have made contributions in kind and in the form of secondment of staff to the Victims and Witnesses Support Unit. In July 1997, the Government of the United States sent the Tribunal a delegation consisting of two eminent experts from the United States Department of Justice Federal Witness Protection Program for a two-week mission aimed at helping the Unit to evaluate and plan its protection programme for witnesses and victims. Two consultants seconded by the United Kingdom spent a total of nine months at the Tribunal to help the Unit improve certain components of its programme, which covers all stages of proceedings, including the temporary or permanent relocation of witnesses, as well as special arrangements such as changes of identity.

149. The support which the Tribunal expects from States in this area could consist of a specific expression of their willingness to accept witnesses in need for purposes of relocation, or to grant them any other facilities required.

3. *Amicus curiae*

150. Rule 74 of the Tribunal's Rules of Procedure and Evidence empowers the Chambers to invite or grant leave to any State, organization or person to appear before it and make submissions on any issue. In 1997–1998, this provision of the Rules of Procedure and Evidence was used by a State for the first time.

151. In the *Bagosora* case (case No. ICTR-96-7-I), the Government of Belgium requested, on 22 September 1997, to appear before the Tribunal as an amicus curiae. This request was presented on 6 March 1998 and authorized by Trial Chamber 2 in its decision of 6 June 1998.

152. Although the party concerned was an international organization and not a State, it should be mentioned here that, in the same case, the Trial Chamber invited a representative of the Secretary-General of the United Nations to appear as an amicus curiae to specify the scope of the waiver of immunity granted in respect of General Dallaire, as prescribed by the Secretary-General.

C. Need for cooperation in the enforcement of prison sentences

153. Under article 26 of the statute, sentences of imprisonment shall be served in Rwanda or any of the States on a list of States which have indicated to the Security Council their willingness to accept convicted persons, as designated by the Tribunal.

154. Pursuant to Security Council resolution 955 (1994) of 8 November 1994, a number of States have adopted or adapted national legislation to facilitate their cooperation with the Tribunal in connection, *inter alia*, with the enforcement of sentences. The States which have done so with respect to this area are Belgium, Denmark, Norway, Sweden and Switzerland. Of all these countries, Belgium is the only one to have agreed without reservation to incarcerate persons convicted by the Tribunal.

155. While they have expressed their willingness to accept persons convicted by the Tribunal, Norway, and to a certain extent Denmark, have made their decisions contingent on a case-by-case consideration of the individual requests submitted by the Tribunal. Switzerland and Sweden are prepared to accept prisoners, provided that the latter are nationals or residents of those countries, or, in the case of Sweden, have other strong ties to that country.

156. On 7 April 1997, the Secretary-General addressed a letter to all States Members of the United Nations and non-member States having observer status with the Organization, inviting them to inform the Registrar of the Tribunal whether they were willing to enforce prison sentences imposed by the Tribunal. In reply, Norway and Sweden reconfirmed the relevant provisions of their respective national laws, while Ecuador, Estonia, Japan and Liechtenstein indicated that they were not in a position to accept prisoners.

157. The Registrar has embarked on a special diplomatic campaign aimed at requesting the cooperation of African States in the enforcement of sentences. Many of them have shown a willingness to assist the Tribunal, but have also described the sorry state of their prison facilities and the material difficulties they would encounter in attempting to meet the highest international standards regarding the rights of detainees. These States asked whether the Tribunal was in a position to provide them with material assistance for that specific purpose.

158. Since the enforcement of sentences should take place, to the extent possible and for obvious socio-cultural reasons, in an environment which is comparable to that in which the convicted persons formerly lived, in this case Africa, the Registrar has requested assistance from certain donors. The Government of the United Kingdom is the first to have agreed to help African States that wish to receive persons convicted by the Tribunal.

D. Support provided by various organizations for the Tribunal's activities

159. The Office of the United Nations High Commissioner for Refugees (UNHCR) in the United Republic of Tanzania have contributed enormously to the Tribunal's efforts to ensure the presence of refugee witnesses. On several occasions, they provided substantial material support for operations to bring witnesses to the territory of the United Republic of Tanzania. Other subregional bureaux of UNHCR in the Central African Republic and Senegal have also helped the Tribunal in its work with respect to the travel of refugee witnesses to or from Arusha. The Swiss international non-governmental organization The Coordination of Women's Advocacy has provided the Tribunal with a forum for developing cooperation with the International Criminal Tribunal for the former Yugoslavia.

IV. Conclusion

160. As the foregoing amply demonstrates, the Tribunal can be said to have reached its "cruising speed" during the reporting period. It certainly benefited from the support of the Security Council, which, by providing it with a third Trial Chamber, encouraged it to forge ahead to ensure that justice is speedily rendered to the victims and survivors of the Rwandan tragedy of 1994 and, at the same time, to promote the process of national reconciliation by ending impunity.

161. The Tribunal also benefited from the constant personal support of the Secretary-General of the United Nations, who, during his historic visit to Arusha on 5 May 1998, hailed the Tribunal's important accomplishments and underscored the need to increase its resources to enable it to carry out, with renewed spirit, the mission entrusted to it by the international community.

162. The support of all States is crucial in this regard, as the two international Tribunals essentially depend on the cooperation of States in exercising the responsibilities entrusted to them by the international community.

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GENERAL ASSEMBLY
Fifty-third session
Agenda item 62
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-third year

Letter dated 15 September 1998 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to our letter dated 26 August 1998 (A/52/1024-S/1998/812), I have the honour to draw your attention to a new violation of the national airspace of the Republic of Cyprus and of the flight information region of Nicosia by a military aircraft of the Turkish Air Force, recorded on 14 September 1998.

On that day, one Turkish B-200 military aircraft entered the northern Nicosia flight information region in violation of international air traffic regulations and of the national airspace of the Republic of Cyprus, flying over the area of Mesaoria and landing afterwards at the illegal airport of Tymbou in the Turkish occupied area of the Republic of Cyprus. In the afternoon of the same day, the aircraft returned to the Ankara flight information region.

As stated in my previous letters, such intrusions into the Nicosia flight information region and the national airspace of the Republic of Cyprus are in violation of international air traffic rules and, at the same time, they are in contravention of the provisions of the Security Council resolutions on Cyprus, which state that such overflights increase political tension on the island and undermine efforts towards achieving a final settlement.

On behalf of the Government of the Republic of Cyprus, I wish to strongly protest against this new provocative act by Turkey, a Member State of the United Nations, against the sovereignty and territorial integrity of the Republic of Cyprus. This act is in complete disregard of international law, the Charter of the United Nations and the relevant decisions of the Organization on the question of Cyprus.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under item 62 of the agenda, and of the Security Council.

(Signed) Sotirios ZACKHEOS
Ambassador
Permanent Representative

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support for your efforts for a just, comprehensive and workable solution, as provided in paragraph 2 of Security Council resolution 939 (1994).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under item 62 of the agenda, and of the Security Council.

(Signed) Sotirios ZACKHEOS
Ambassador
Permanent Representative

Annex

B. EUROPE

CYPRUS

194. The Heads of State or Government reaffirmed all previous positions and declarations of the Non-Aligned Movement on the question of Cyprus and expressed deep concern and disappointment over the fact that no progress has been achieved in the search for a just and viable solution due to the Turkish intransigence and the attempt of the Turkish side to introduce preconditions to the two rounds of direct negotiations, held in July and August 1997 between the President of Cyprus and the Turkish Cypriot leader, at the United Nations Secretary-General's initiative.

195. The Heads of State or Government reiterated their support for the sovereignty, unity, independence and territorial integrity of the Republic of Cyprus, and their solidarity with the people and the Government of Cyprus. They called once again for the withdrawal of all occupation forces and settlers, the return of the refugees to their homes in conditions of safety, the restoration of and respect for human rights of all Cypriots and the accounting for all missing persons.

196. While reiterating their position that the present status quo in Cyprus, created and maintained by the use of force, is unacceptable, the Heads of State or Government underlined the importance and urgency for the effective implementation of all United Nations resolutions, in particular Security Council resolutions 365 (1974), 541 (1983), 550 (1984) and 939 (1994), and to that end, for the Security Council to take resolute action and appropriate measures, including the holding of an international conference and the demilitarization of Cyprus, as repeatedly proposed by the President of Cyprus. They expressed grave concern about recent continuous Turkish threats of use of force against Cyprus and integration of the occupied territory by Turkey and deplored threats by the Turkish side that it will not attend any new round of talks unless the purported state in the occupied territory is recognized. They condemned the declared attempts of the Turkish side for a change of the basis of the inter-communal dialogue under the mandate of the United Nations Secretary-General. They considered such demands contrary to the relevant United Nations resolutions, the Non-Aligned Declarations and the principles of international law and called for their withdrawal.

197. The Heads of State or Government expressed their concern at the continuing lack of political will on the part of the Turkish side, as confirmed by the report of the United Nations Secretary-General (document S/1994/629, dated 30 May 1994). They reaffirmed their support for the United Nations Secretary-General's efforts for a just, comprehensive and workable solution, as provided in paragraph 2 of Security Council resolution 939 (1994) and decided to request the contact group of Non-Aligned countries to remain seized of the situation and actively support such efforts.

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Agenda item 45
THE SITUATION IN AFGHANISTAN
AND ITS IMPLICATIONS FOR
INTERNATIONAL PEACE AND SECURITY

SECURITY COUNCIL
Fifty-third year

Identical letters dated 16 September 1998 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General and to the President of the Security Council

I have the honour to forward herewith an official note dated 15 September 1998 addressed to you from the Ministry of Foreign Affairs of the Islamic State of Afghanistan.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 45, and of the Security Council.

(Signed) Ravan A. G. FARHÂDI
Ambassador
Permanent Representative

ANNEX

Note dated 15 September 1998 from the Ministry of Foreign Affairs of Afghanistan

The Ministry of Foreign Affairs of the Islamic State of Afghanistan presents its compliments to the Secretary-General of the United Nations and, in the light of the latest development in central Afghanistan, has the honour to inform him of the following:

On 12 and 13 September 1998, following months of food blockade, the city of Bamyan in central Afghanistan came under carpet bombing by Pakistani warplanes stationed in the Afghan Sheberghan airport. The air raids, involving eight Pakistani jet bombers, predominantly targeted residential sites in the city and continued throughout Saturday, 12 September. However, on Sunday, 13 September, eight hours of intensive carpet bombing culminated in major destruction of military targets and civilian residential areas. An all-out ground assault by a joint Pakistani military and Taliban mercenary force, preceded by a descent of Pakistani commandos involving 20 helicopters on the surrounding high-points, eventually led to the bloody occupation of the city.

The occupying forces, advised by Pakistani military intelligence officers, have deliberately killed thousands of civilians, just as in other occupied areas across the country, in this case ethnic Shi'ite Hazaras in their homes on 13 September, the first day following their military takeover of the city.

The occupying forces have indiscriminately slaughtered as many as 350 wounded inhabitants, mostly women, children and elderly, who as casualties of the early bombardments by Pakistani warplanes were under medical treatment in local medical centres.

The occupying forces have taken away to an unknown place as many as 2,500 young men.

The occupying forces have plundered people's property and have set houses on fire.

The occupying forces have ordered civilians out of their homes and have taken significant numbers away to a desert called Dasht -e- Bakwaa, west of Kandahar Province in southern Afghanistan.

In addition, as many as 12,000 household members are being rounded up outdoors awaiting an unknown destiny. The outcry of these people has been that "it is best we die here, but our blood will guarantee resistance".

It is the earnest expectation of the Islamic State of Afghanistan that the above-mentioned factual accounts will definitely free the international community of any doubt about Pakistan being the occupying power and aggressor in Afghanistan and therefore responsible for war crimes and crimes against humanity, according to the Fourth Geneva Convention of 12 August 1949.

The Islamic State of Afghanistan is urgently calling, once again, upon the United Nations to send a fact-finding mission to investigate and verify the facts.

The Ministry of Foreign Affairs of the Islamic State of Afghanistan avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

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18 September 1998

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REPORT OF THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE DEPUTY REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 9 September 1998 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, stating that Mr. Stewart Eldon has been appointed deputy representative of the United Kingdom of Great Britain and Northern Ireland on the Security Council.

In the opinion of the Secretary-General, this communication constitutes adequate provisional credentials.

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16 September 1998

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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS MISSION IN BOSNIA AND HERZEGOVINA

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 20 of Security Council resolution 1174 (1998) of 15 June 1998. It summarizes the activities of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) since my report of 10 June 1998 (S/1998/491) and provides an overview of the activities of the United Nations system in Bosnia and Herzegovina up to 11 September 1998.

2. UNMIBH continues to be led by my Special Representative and Coordinator of United Nations Operations in Bosnia and Herzegovina, Ms. Elisabeth Rehn (Finland). She is assisted in these tasks by Mr. Richard Monk (United Kingdom of Great Britain and Northern Ireland), who serves as Commissioner of the International Police Task Force (IPTF). The authorized strength of IPTF remains at 2,057.

II. ACTIVITIES OF THE MISSION

3. IPTF continues the process of changing its focus from general monitoring to more specialized activities: police restructuring in the Federation and the Republika Srpska, training and advising the police, ensuring freedom of movement, and monitoring and conducting investigations into abuses of human rights by local law enforcement agencies.

Police restructuring

4. In the Federation of Bosnia and Herzegovina (the Federation), there has been some progress in the first phase of police restructuring. The Federation Ministry of Interior was inaugurated on 1 July, following long-delayed agreements between Bosniac and Croat officials on ethnic balance and power-sharing within the Ministry and amendments to the Federation Law on Internal Affairs. In addition, Croat and Bosniac officials reached agreement in canton 4 (Zenica) to create joint police structures in the cantonal Ministry of Interior and in police administration throughout the canton. On the other hand, Croat officials continue to impede the inauguration of police services in cantons 8

(Ljubuski) and 10 (Livno) for reasons described in my report of 10 June 1998 (see S/1998/491, paras. 4 and 5). UNMIBH has continued to meet with Croat, Bosniac and Serb officials in these cantons, as well as with Bosniac officials in cantons 1 (Bihac), 5 (Gorazde) and 9 (Sarajevo) to resolve outstanding issues.

5. In preparation for the second phase of police restructuring, which was described in my report of 12 March 1998 (S/1998/227, para. 6), IPTF has begun a systematic assessment of the quality of ongoing police reform in the Federation in order to evaluate the extent to which joint police forces are succeeding at breaking down ethnically based, parallel command structures and establishing standards of democratic policing. In addition, UNMIBH has deployed the first 87 IPTF monitors as advisers co-located with high-level Federation police officials at the federal, cantonal and municipal levels of government. Further, the newly created police assessment teams, which were formerly called contract assurance teams, have completed a reference guide on the status of police reform in the Federation and the Republika Srpska, which provides a benchmark from which strategies for the second phase of police reform are currently being devised.

6. There has been less progress in police restructuring in the Republika Srpska, although 13 IPTF monitors have been co-located with officials in the Ministry of Interior and in selected public security centres. Although the Ministry has downsized the police force considerably to 9,767 officers, this figure is still above the agreed ceiling of 8,500 police officers. The Declaration of the June 1998 Luxembourg Peace Implementation Conference called upon the Republika Srpska Government to appoint 400 minority officers by 31 August 1998 and to create a mixed police force based upon the results of the 1997 municipal elections by 31 December 1998. Minister of Interior Milovan Stankovic subsequently discussed a plan for the deployment of "mixed-police sub-stations", which would consist of an equal mix of Serb and non-Serb police in areas designated for the return of displaced persons and refugees. However, both President Plavsic and Minister Stankovic have maintained that the principles underlying the Luxembourg Declaration are inconsistent with the 24 September 1997 principles of police restructuring, as described in my report of 10 December 1997 (S/1997/966, para. 4). With the 13 September elections quickly approaching, Prime Minister Dodik appeared unable to force progress on UNMIBH's plans for minority recruitment, although he has continued meeting with my Special Representative on these issues. UNMIBH intends to pursue police restructuring in the Republika Srpska even more vigorously after the national elections and the appointment of a new government.

7. Future progress in police restructuring will depend increasingly upon the receipt of assistance (in uniforms and equipment) provided through the Trust Fund for the Police Assistance Programme in Bosnia and Herzegovina, which provides funds for technical and material assistance to local police forces. To date, the Fund has received US$ 8,140,046, of which $7,198,069 has been used for programme activities in Bosnia and Herzegovina, and $941,977 for programme support costs. The generous assistance extended by the Governments of Canada, Germany, Japan, Luxembourg, Norway, Switzerland, Italy and the United Kingdom will help sustain the present pace of police restructuring. UNMIBH has completed the initial stage of a review of the Trust Fund which has uncovered a shortfall of $67 million for the anticipated local police development

programmes. I appeal to Governments of other countries to also contribute to the IPTF Trust Fund.

Police training

8. IPTF's training and certification programme continues to help promote principles and practices of democratic policing and the depoliticization of the police as central elements of police reform. In the Federation, 10,344 officers (90 per cent) of the 11,500 authorized officers have completed the week-long human dignity class and 6,397 (55 per cent of the total force) have completed the three-week transitional training class that reviews basic policing skills and elaborates on democratic policing techniques. Completion of these two courses is required for IPTF certification of individual police officers. Certification and issuance of identification cards for the entire Federation police force should be completed by December 1998. Since July 1998, IPTF has conducted background checks for 559 newly recruited officers in the Federation. In the Republika Srpska, 5,793 (68 per cent) of the 8,500 authorized officers have completed the human dignity class, but only 599 (7 per cent of the total) have taken the transitional training class. Under the supervision of IPTF's Specialized Training Unit, 223 Federation police officers have completed training in techniques of crowd control, 711 have completed training in border control and 29 are undergoing a course in basic dog handling.

9. Efforts continue to be made to assist local police in developing modern police academies. The Federation police academy moved to Vraca in July 1998 and will continue to offer basic training to police recruits, as well as IPTF courses in human dignity and transitional training. IPTF has begun cooperating with the federal and cantonal Ministries of Interior to recruit minority candidates to participate in the next police academy class.

10. As described in my report of 8 September 1997 (see S/1997/694, para. 8), and in accordance with an agreement with the stabilization force (SFOR) led by the North Atlantic Treaty Organization (NATO), IPTF has begun to evaluate and re-train officers from the Republika Srpska police anti-terrorist brigade. This training will enable officers who successfully complete the IPTF transition training and certification programme to revert from SFOR to IPTF monitoring and be eligible to be recruited into a new organization called the special police service or into local police forces. However, of the 515 officers from the brigade who have undergone an initial review by the International Tribunal for the Former Yugoslavia, 131 will undergo in-depth review as regards their possible involvement in war crimes by IPTF monitors deployed at the Tribunal.

11. Following recommendations of the Peace Implementation Conferences held in London and Bonn and in accordance with Security Council resolution 1168 (1998) of 21 May 1998, UNMIBH has recruited 30 specialist monitors to staff the Drug Control, Organized Crime, and Public Order and Critical Incident Management Units. Officers in these units have now begun to develop training programmes for local police in these areas and conducted some initial training.

12. UNMIBH has recently embarked upon regionally based projects to develop standards for local police performance, including systems for personnel management that would maintain the desired ethnic balance while maintaining good

police service, and of including local police in its assessment of the reform. As the Mission continues to develop its internal capacity to manage the full range of information necessary for police reform, it will require material support in these efforts.

Freedom of movement

13. IPTF has continued to promote freedom of movement in and between both entities. Under the traffic control and crime policy, which developed out of the successful implementation of the checkpoint policy (S/1997/468, para. 5), IPTF continues to approve fewer than 10 checkpoints per day for the entire country. UNMIBH has begun to encourage local police to replace checkpoints with mobile and foot patrols for normal crime prevention, detection, security and safety-related policing tasks. It also encourages police officials from the Federation and the Republika Srpska to share information and collaborate in investigations.

14. UNMIBH's close cooperation with the Office of the High Representative in introducing common licence plates and vehicle registration documents throughout the country has provided the most significant single advance in freedom of movement. The project is near completion. Interior Ministry authorities in both entities have reported that the distribution of licence plates and documents proceeded more quickly than originally estimated. In order to measure the project's effect on the willingness of the public to travel, IPTF monitored on a daily basis the number of vehicles crossing the inter-entity boundary line at nine different points and compiled statistical data which showed a 100 per cent increase in movements. To account for delays in producing additional licence plates and vehicle registration documents and to minimize problems facing voters in vehicles with old plates during the election period, the Office of the High Representative extended the deadline by which all Bosnian vehicles must bear the new licence plate from 31 August to 30 September.

Weapons inspections

15. IPTF continues to cooperate with SFOR in conducting weapons inspections on police facilities. The frequency of inspections has decreased with the decreasing number of violations. In the period between 20 May and 31 August 1998, 176 weapons inspections were performed: 82 in the Republika Srpska and 94 in the Federation. Weapons were discovered at 14 sites in the Republika Srpska and at 3 sites in the Federation. SFOR confiscated a total 58 weapons, 78 grenades and 1,410 rounds of ammunition.

Cooperation with other international organizations

16. UNMIBH continues to work closely with other international agencies. The Mission cooperated with the Organization for Security and Cooperation in Europe (OSCE) in preparation for the 13 September 1998 elections. It secured the agreement of the Ministers of Interior of both entities for security during the election, monitored security arrangements by the local police for the transport of election material and advised local police on security plans for election day. UNMIBH also continues its close cooperation with the Office of the High Representative and the Office of the United Nations High Commissioner for

Refugees (UNHCR) in support of the return of displaced persons and refugees. It works with local police to prepare security plans for assessment visits and return. It has begun to work closely with the Office of the High Representative, SFOR and the European Union Customs and Fiscal Assistance Organization in establishing a single border police that will cover the entire country.

Investigation of human rights violations by local law enforcement personnel

17. In accordance with its mandate to investigate human rights abuses by law enforcement personnel and to report on progress made by the authorities in addressing such abuses, UNMIBH's Human Rights Office has paid close attention to the response of the local police to return-related, politically motivated and gender-related human rights abuses in Bugojno, Stolac, Capljina, Mostar, Doljani, Velika Kladusa, Klisa, Drvar, Gradiska, Kotor Varos and the Brcko Supervisory Area. From 1 January to 1 September 1998, the office opened human rights investigations of 1,487 incidents and closed 629 cases. These cases generally relate to direct abuse by police and other law enforcement agencies, to local police negligence in responding to violations against minorities and to property disputes involving abuses by municipalities, housing and judicial authorities. In response to developments in Drvar and Pale, IPTF created investigation support teams to augment the investigations by the Human Rights Office.

18. On 3 July, the Human Rights Office released a report on 37 return-related incidents in canton 7 (Mostar), including fires, explosions, stoning and harassment against Bosniac returnees in Croat majority areas, which have occurred in Stolac, Capljina, Doljani and Mostar from March through June 1998. The UNMIBH report urged the Minister to ensure the functioning of the Ministry as a unified organization with clear lines of communication, to set up effective oversight mechanisms, to improve the quality of police investigations, to promptly prepare security plans and to introduce concepts of community policing. The response of canton 7 police has been inadequate and few recommendations have so far been implemented. Local police have not arrested any suspects in relation to these incidents. UNMIBH continues to cooperate with the Office of the High Representative in pressing cantonal authorities to take appropriate action.

19. On 17 July, the UNMIBH Human Rights Office also released a report on the response of local authorities to a double murder of Serb returnees and subsequent rioting by Croats in Drvar in April 1998 (S/1998/491, paras. 23 and 24). The investigation found the response of the Drvar police to the murders and riots to have been inadequate and incompatible with their obligations to provide protection to all citizens of Drvar. In a letter to local authorities accompanying the report, the IPTF Commissioner demanded that the Drvar and cantonal police immediately intensify investigation actions and initiate an internal investigation into the response to the riots by the Drvar police. While local police have taken some steps to respond to these demands, including the filing of minor charges against some participants in the riots, compliance has generally been inadequate. UNMIBH is continuing to cooperate with the Office of the High Representative in pressing local authorities for appropriate action, including an independent investigation.

20. Following UNMIBH's investigation into allegations of torture and ill-treatment by Teslic police (ibid., para. 25), UNMIBH's Human Rights Office released a report of an investigation into three cases of torture and abuse, which was conducted by a commission established by the Republika Srpska Minister of Internal Affairs. The Commission's finding, that Teslic police officers had abused their authority, led to disciplinary proceedings against 32 police officers and criminal charges against 10 of them. A total of 17 officers were suspended from duty in July.

21. On 23 June, the UNMIBH Human Rights Office established an investigation support team to monitor the local police investigations (including those conducted by a team from the Federation Ministry of Internal Affairs) and to carry out its own independent investigation of a series of murders of Bosnian Croats in the area of Travnik and Vitez in canton 6. IPTF's independent investigative work has led the Federation Ministry investigators to pursue several significant leads not previously considered. The IPTF investigation of these murders is ongoing.

22. Another investigation support team has been deployed to look into activities surrounding the murder on 8 August of the Deputy Chief of the Pale Public Security Centre. On 18 August, the IPTF investigators discovered and obtained the release of seven illegally detained men who had been held in a factory for nine days and were allegedly physically abused by the Ministry of Interior's investigation team. In addition, the seven persons officially charged in the murder have alleged to IPTF that they underwent physical abuse during interrogations by the Republika Srpska police officials. Further information uncovered during the course of the IPTF investigation has revealed other possible misconduct and abuse carried out by the Republika Srpska police during its investigation of the murder. The IPTF investigation of these developments is ongoing.

Civil affairs

23. UNMIBH's civil affairs officers have continued to work closely with IPTF on issues of police restructuring, freedom of movement and human rights. They have helped to develop a strategy to recruit and return displaced minority police officers into police forces in the Federation and the Republika Srpska. They have served with IPTF in police assessment teams and investigation support teams. In cooperation with the Office of the High Representative, the Civil Affairs Office has overseen the implementation by Bosnian officials of the introduction of the new common licence plate and common registration document. Civil affairs officers have worked closely in the project monitoring increases of freedom of movement across the inter-entity boundary line and across international borders. They have now begun closely cooperating with IPTF and the Office of the High Representative in developing a strategy for a Bosnian border police. They have cooperated with IPTF and the OSCE in preparation for the 13 September 1998 elections.

24. Under the direction of my Special Representative, UNMIBH's Civil Affairs Office has worked closely with United Nations agencies who seek to address the daunting reconstruction needs in Srebrenica. Civil affairs officers continue to cooperate with UNHCR and the Return and Reconstruction Task Force on the

question of return of refugees and displaced persons. The Civil Affairs Office's good offices enabled Bosniac authorities in Gorazde and Serb authorities in municipalities surrounding Gorazde to reach agreement on economic cooperation and on mutual assistance in emergency situations.

25. The civil affairs training unit has processed over 700 IPTF monitors since 1 June 1998 through induction-level courses on Bosnian history, politics, the culture of negotiation and cooperation with other international agencies. It has developed a new elections monitoring module and has begun cooperating more closely with the IPTF Internal Training and Support Section in standardizing and improving the overall level of instruction in UNMIBH training. It has continued an extensive field familiarization programme for the newly arriving civil affairs officers and has begun producing reference material for IPTF and civil affairs offices throughout the Mission. The training unit has also organized workshops on Serb issues and Bosnian property law for civil affairs, IPTF and human rights officers, as well as a presentation on the 13 September elections for all UNMIBH staff by the Head of the OSCE mission in Bosnia and Herzegovina.

Judicial system assessment

26. By its resolution 1184 (1998) of 16 July 1998, the Security Council approved the establishment by UNMIBH of a programme to monitor and assess the court system in Bosnia and Herzegovina as part of an overall programme of legal reform coordinated by the High Representative. During the reporting period, UNMIBH made progress in establishing the programme, known as the Judicial System Assessment Programme.

27. My Special Representative has discussed the new mandate with judicial authorities and legal associations in the Federation and the Republika Srpska, who have welcomed the programme as central to judicial reform. UNMIBH has continued its close cooperation with other international agencies in developing the programme. On the basis of an exchange of letters between myself and the Secretary-General of the Council of Europe at the beginning of 1998, a Council of Europe consultant has advised UNMIBH on the formulation of a methodology for operations of the programme.

28. UNMIBH has completed its selection of 18 international lawyers and 8 local lawyers for the programme and they are expected to join UNMIBH shortly. Preparations are already advanced for an initial three-week training in the political context and legal systems of Bosnia and Herzegovina upon their arrival. Legal experts from Bosnia and Herzegovina and from the Council of Europe have indicated their willingness to provide training on the Bosnian legal systems and on the European Convention. Senior officers within UNMIBH have been fully acquainted with the plans for operations of the programme and details of its organizational relations with other parts of the Mission. Plans have been made to coordinate the programme's activities with the daily work of IPTF and civil affairs.

Trust Fund

29. The Trust Fund Unit continued to monitor the implementation of quick impact fund projects in Sarajevo Canton. Additionally, the Unit and UNMIBH Finance

made further progress in the financial reconciliation of Trust Fund and quick impact fund projects. On 1 September, UNMIBH reorganized the management of the Sarajevo Trust Fund and the trust fund for the Police Assistance Programme into a single unit.

III. ACTIVITIES OF THE UNITED NATIONS SYSTEM

30. As described in my report of 10 June 1998 (S/1998/491), my Special Representative has continued to focus on the common concerns of the various United Nations agencies operating in Bosnia and Herzegovina, has regularly briefed the agencies on UNMIBH's approach to developments in the country and has given them advice on security in the mission area. The agencies have focused on activities to ease the distress of the present inhabitants of Srebrenica and have maintained their focus on developing educational curricula without hate propaganda in history and language.

International Tribunal for the Former Yugoslavia

31. The International Tribunal for the Former Yugoslavia has the mandate to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. The Sarajevo Field Office, one of three field offices established by the Tribunal, was opened in August 1996 to support the investigative effort of the Office of the Prosecutor in The Hague. As a result of its investigations, the Tribunal has charged a total of 75 persons by open indictments. Following the withdrawal of indictments against 11 of them in May 1998, 21 public indictments are pending against 59 individuals, together with a number of sealed indictments. Of the total indictments, 26 persons are in custody with six ongoing trials. The exhumations programme for summer 1998 to gather evidence has shown positive results. About 500 remains have been recovered at seven sites. Clothing and other personal effects have also been recovered for identification purposes. Many of the bodies were found blindfolded and with their hands tied behind their backs, indicating that they had been executed.

International Labour Organization

32. The International Labour Organization (ILO) has continued to focus on training the vulnerable unemployed in construction trades in the north-west of the Federation (funded by the United Nations Development Programme (UNDP)); training the unemployed in electrical and mechanical trades in Gorazde (funded by the Government of Japan and UNDP); promoting micro-enterprise development through the new business development centres near Brcko, Bihac, Banja Luka and Mostar and preparing for the establishment of similar centres around Sarajevo (funded by the Government of Italy and UNDP); and promoting social dialogue (funded by the Government of Italy).

Office of the United Nations High Commissioner for Human Rights

33. The Office of the United Nations High Commissioner for Human Rights. in cooperation with the UNMIBH Human Rights Office, has been conducting a human rights training project for IPTF monitors initiated in June 1998. It also

supported the mandate of the Special Rapporteur, Mr. Jiri Dienstbier, and organized his mission to the country from 4 to 9 July. In the field of judicial reform, the Office provided expertise to a team working on reformed criminal codes in the Republika Srpska, monitored war crimes trials and carried out a survey assessing needs in the courts in the Republika Srpska. In addition, staff of the Office supported the work and implementation of the decisions of the national human rights institutions, continued efforts to promote the implementation of gender-related activities in the work of United Nations offices and agencies, and participated in working groups aiming to find solutions to the human rights problems related to the educational system in Bosnia and Herzegovina.

34. My Special Representative and the United Nations High Commissioner for Human Rights have exchanged letters to ensure closer cooperation between the Office and UNMIBH. Under the agreed terms of reference, my Special Representative will exercise operational authority over the daily activities of the Office, which will continue to receive substantive guidance, funding and administrative support from the High Commissioner. The Office of the High Commissioner will continue to support the work of the Special Rapporteur, whose independence will be guaranteed under the new arrangements.

Office of the United Nations High Commissioner for Refugees

35. UNHCR continued its efforts to implement annex 7 to the Dayton Peace Agreement. Since January 1998, some 90,000 refugees and displaced persons have returned to Bosnia and Herzegovina. Almost 50,000 of them returned under the German Government return programme, with returns significantly increasing during the period from June to August 1998. Most of the returnees originate from the Republika Srpska and the majority are currently housed in the Sarajevo and Tuzla areas.

36. The number of returns for the Republika Srpska has increased significantly from 230, reported in June, to 2,440 persons since January 1998. The number of displaced persons who have returned to their pre-war residences in Bosnia and Herzegovina since January is estimated at 9,340. A total of 6,063 refugees and displaced persons have returned to minority areas, with Drvar (estimated at 1,223) and Sarajevo (estimated at 998) recording the highest numbers. In addition, returns are taking place without being registered with the local authorities.

37. UNHCR continued to promote minority return with the declaration of three new "open cities" in the Federation (Ilidza, Zavidovici and Tuzla), bringing the total number of "open cities" to 14. There have now been more than 10,000 minority returns to the "open cities". UNHCR also promoted freedom of movement through about 20 inter-entity bus lines, with some 570,500 persons travelling on them this year.

38. UNHCR continued, together with the Office of the High Representative, to support the entity ministries responsible for the return and support of displaced persons. The two offices also continued to monitor the implementation of the new property legislation passed by the Federation in April 1998. The Republika Srpska National Assembly is expected to pass its property legislation

after the September general elections. UNHCR continues to work with the Off of the High Representative and the Council of Europe in assisting both entit in drafting new legislation on citizenship, immigration and asylum. Since June 1998, UNHCR has registered 1,937 asylum-seekers from Kosovo. Some 4,70 refugees from that region are now estimated to be in Bosnia and Herzegovina. UNHCR has responded to their accommodation needs and is supporting the authorities in creating a legal framework concerning asylum-seekers.

United Nations Children's Fund

39. The United Nations Children's Fund (UNICEF) held its mid-year reviews w its sectoral counterparts in the entities. The group found progress in implementation satisfactory and made immediate plans for inter-sectoral cooperation for implementing health, education and psychosocial projects. I the meantime, regular activities continued. In the health area, UNICEF proc vaccines and materials to preserve them. In education, UNICEF prepared mine awareness materials, including printed and audio-visual segments, to educate children. In the psychosocial area, UNICEF extended support to foster-famil to include creation of parent support groups and provision of supplies for foster-families and children in Prijedor and Gorazde. It also extended a project aimed at integrating mentally handicapped children into the regular schools to cover 12 areas in the country. Within its advocacy programme, UN also organized an animation workshop for children in Prijedor, creating an animated film on children's rights entitled "Lighthouse".

United Nations Development Programme

40. UNDP continues to focus its activities on multisectoral area-based development programmes. These programmes combine physical rehabilitation an socio-economic infrastructure with community development efforts, such as housing reconstruction, public works and business development. They create environment which allows for the return of refugees and displaced persons an their smooth reintegration in the population at large. The programmes increasingly place responsibility for management of the services to local authorities. UNDP's Village Employment and Environment Programme (VEEP) has extended its activities to eastern Republika Srpska. As a short-term bridgi measure, VEEP provides limited employment while helping to improve seriously damaged infrastructure and the environment. These activities are combined w vocational training programmes and small-and-medium-enterprise development programmes to ensure sustainability. In addition, UNDP supports capacity an institution-building for gender integration and complements local initiative for gender equality and the advancement of women in the political, economic social spheres.

41. Demining responsibilities were officially handed over to the Government July 1998, thereby establishing the Bosnia and Herzegovina Mine Action Programme, which expands the capacity built earlier by the United Nations Mi Action Centre. The programme operates through the Bosnia and Herzegovina Mi Action Centre in Sarajevo, which is responsible for overall coordination and guidance of mine clearing actions in the country. It also operates through entity mine action centres, which are responsible for clearing mines in thei respective areas. The Government has also deployed nine demining teams

throughout the country. The minefield database continues to be updated. UNDP trains managers for the Government who are responsible for implementing the four component programmes (mine awareness, minefield survey, mine clearance and training). In addition, UNDP works jointly with the International Committee of the Red Cross (ICRC) and UNICEF on a mine awareness campaign.

42. The Mine Action Programme is financed by various donors through the UNDP Trust Fund for Mine Clearance, which was instituted November 1997. The programme still faces a funding gap of $15 million, which UNDP is urgently seeking to close.

United Nations Educational, Scientific and Cultural Organization

43. The United Nations Educational, Scientific and Cultural Organization (UNESCO) continued its work in cooperation with other international organizations in developing new curricula for the country's schools. It has also worked with the Ministry of Education of Sarajevo Canton in removing discriminatory material from humanities textbooks in use in the canton. In addition to educational projects noted in the last report, UNESCO is undertaking the rehabilitation of primary and secondary schools in the cantons of Sarajevo and Zenica-Doboj. UNESCO has also cooperated with the Ministry of Education of Podrinje Canton in assessing equipment and furniture needs in the canton schools and will fund them. On 30 July, UNESCO, the World Bank and the City of Mostar simultaneously issued a joint statement on their partnership for the reconstruction of the Old Bridge in Mostar. In September, UNESCO will begin reconstruction of the Tabacica mosque.

The World Bank

44. The World Bank continues to implement a diverse reconstruction and development programme, which remains focused on its three key elements: donor coordination, project implementation and support for the country's transition to a market economy through economic policy advice and budget/balance-of-payment support. After another successful donors' conference held this past May in Brussels organized jointly by the Bank and the European Commission, at which donors pledged a further $1.25 billion to Bosnia and Herzegovina, the Bank has continued to oversee the implementation of the 24 reconstruction projects it has funded together with other donors. Several of these projects are now almost or fully completed, and the Bank is increasingly focusing its efforts on sector and economic reforms which will foster self-sustained growth. In addition, the International Finance Corporation (IFC), the World Bank Group institution which supports the private sector, has stepped up its investments in the country and recently financed a line of credit for woodworking companies.

45. Operations recently approved by the World Bank Board include a second electric power reconstruction project, a forestry project and a public finance structural adjustment credit in both entities, as well as a pilot line of credit for the Republika Srpska. After having funded housing reconstruction in UNHCR target zones, micro-credit and local infrastructure, the Bank is now preparing a local development project to help municipalities obtain credit for priority social and economic infrastructure projects. Other projects under preparation include a banking and enterprise structural adjustment credit to assist the

entities in implementing their privatization strategy, a basic health project to establish a cost-effective, community-based primary health-care system and improve health sector management, and a pilot cultural heritage project. This last project will be undertaken in coordination with UNESCO and will fund and oversee the reconstruction of the Mostar bridge and the restoration of the old town in order to foster reconciliation and enhance multi-ethnic cooperation. The project will also help strengthen the country's capacity to manage its cultural heritage. In addition, the Bank is working closely with UNESCO on a grass-roots employment project in fashion apparel production for displaced and refugee women.

World Food Programme

46. In August, the World Food Programme (WFP) concluded the alignment of beneficiary criteria with government social welfare criteria. Local authorities welcomed the new criteria and implemented them throughout most of the country under close monitoring by WFP staff. The current WFP beneficiary caseload is 253,000, which is approximately 10 per cent of the population. This figure will fluctuate depending upon the situation of refugees, displaced persons, returnees and war-affected people in Bosnia and Herzegovina, but is unlikely to change substantially during the phase-out of WFP's emergency food aid operation in Bosnia and Herzegovina, which is scheduled to be completed by mid-1999. Other agencies, such as International Orthodox Christian Charities, Adventist Development Relief Agency, American Red Cross and Catholic Relief Services, which have food aid programmes in Bosnia and Herzegovina, have also implemented the same criteria, thereby ensuring continuity and avoiding duplication. These agencies cater to approximately 104,000 food aid beneficiaries. Currently, there are major gaps in the food pipeline, with no food available for September or October distribution. WFP is concerned that food aid requirements will not be fully met during the crucial phase-out period of the programme.

World Health Organization

47. The World Health Organization (WHO) continued to support the entities' Ministries of Health in reforming programmes in health-care delivery and preventive health. In the Republika Srpska, health authorities are developing detailed operational plans based on their Strategic Plan for Health Care Reform, approved in May 1997. WHO also helped to develop the Federation's Strategic Plan for health-care reform. Moreover, WHO also continues to promote reconciliation by bringing together health professionals from different ethnic groups on a regular basis. WHO experts continued to train family medicine teams and helped local authorities address key public health issues, such as tuberculosis, HIV/AIDS, vaccination and environmental health.

IV. OBSERVATIONS

48. Changes to UNMIBH's mandate over the past two years reflect a recognition of the importance of peace-building activities for the security and protection of the population, with a focus on reforming civilian police, respecting human rights and strengthening the judicial system. Against this background, UNMIBH's mandate of police restructuring has grown to include independent investigations

into human rights abuses by the local police and the identification of technical, institutional and political impediments to achieving a depoliticized judiciary capable of delivering impartial and neutral justice. The quick recruitment of highly qualified legal experts for the Judicial System Assessment Programme was a positive development worth noting.

49. UNMIBH's progress on its central task of police reform will depend in large measure, as noted in Security Council resolution 1174 (1998), on the quality, experience and professional skills of its personnel. The call for highly qualified police officers, which has been reiterated in practically every resolution and document of the Peace Implementation Conference, reflects the way in which police peacekeeping missions should evolve more generally. IPTF continues to require senior officers - from regional commanders to station commanders to those IPTF advisers co-located with the local police leadership - who possess the requisite leadership and management skills and who are well versed in democratic policing practices. UNMIBH's Human Rights Office also needs additional qualified IPTF monitors to undertake independent investigations. IPTF training units require monitors with experience in instruction and course development. As UNMIBH moves to increase its emphasis upon community policing in multi-ethnic communities, the traditional policing skills of IPTF monitors must be augmented by experience in policy assessment, policy development and public administration.

50. The introduction of a common licence plate for Bosnia and Herzegovina has been a major step forward in the implementation of the General Framework Agreement for Peace. The country is no longer rigidly divided into three separate ethnic territories. Movement across the inter-entity boundary line has increased by more than 100 per cent and interactions between the members of the different communities are now common. This progress towards forging a single state out of areas controlled by the three communities needs to be strengthened. The most recent meeting of the Steering Board of the Peace Implementation Conference in Luxembourg (see S/1998/498) asked UNMIBH to facilitate the introduction of a State-level border police for Bosnia and Herzegovina. Such a force would replace the single-community police forces that presently control stretches of the international borders of Bosnia and Herzegovina. If successfully deployed, such a force would further strengthen Bosnia and Herzegovina as a State, at the expense of the entities. UNMIBH intends to devote significant resources to this project in the coming months and to work closely with the Office of the High Representative, SFOR and the Customs and Fiscal Assistance Organization to ensure its rapid implementation. As with the licence-plate project, nearby States will be asked to assist with the implementation measures.

51. The period under review illustrates the complex conditions under which UNMIBH is implementing its mandate. The entity Governments have been faced with the prospect of large-scale returns of refugees from abroad as Bosnia and Herzegovina's second post-war national elections are being held. The election campaign has enabled officials to divert pressure to create multi-ethnic, restructured police services, which are an essential condition for the return of refugees and displaced persons to their homes - especially in areas that are under the de facto control of another ethnic group. UNMIBH's cooperation with UNHCR, SFOR, the Office of the High Representative and the Organization for

Security and Cooperation in Europe is essential to progress in these interrelated goals. I would emphasize, as I have done previously, that the strong and consistent support of SFOR will continue to be critically important in providing adequate security arrangements for the successful implementation of UNMIBH's mandate. I also appeal to the Governments of the States members of the Security Council to extend their full support to UNMIBH's efforts to implement the mandate entrusted to it under annex 11 to the Dayton Agreement of creating multi-ethnic police services in the Federation and the Republika Srpska.

Annex

Composition of the International Police Task Force as at 10 September 1998

Argentina	33
Austria	38
Bangladesh	31
Bulgaria	41
Canada	29
Chile	29
Denmark	40
Egypt	34
Estonia	5
Fiji	7
Finland	27
France	125
Germany	163
Ghana	100
Greece	15
Hungary	35
Iceland	3
India	106
Indonesia	22
Ireland	35
Italy	23
Jordan	150
Kenya	11

Malaysia	47
Nepal	41
Netherlands	54
Nigeria	19
Norway	24
Pakistan	96
Poland	32
Portugal	60
Romania	10
Russian Federation	35
Senegal	18
Spain	59
Sweden	50
Switzerland	2
Thailand	3
Tunisia	2
Turkey	27
Ukraine	36
United Kingdom	70
United States of America	193
Total	1 980

The number of civilian police monitors varies owing to ongoing contingent rotations.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/199º/863
18 September 1998
ENGLISH
ORIGINAL: ENGLISH, FRENCH
AND RUSSIAN

Draft resolution

The Security Council,

Recalling all its previous resolutions on the question of the Western Sahara,

Reiterating its commitment to assist the parties to achieve a just and lasting solution to the question of the Western Sahara,

Reiterating also its commitment to the holding without further delay of a free, fair and impartial referendum for the self-determination of the people of the Western Sahara in accordance with the Settlement Plan, which has been accepted by the two parties,

Welcoming the report of the Secretary-General of 11 September 1998 (S/1998/849) and supporting the observations and recommendations contained therein,

1. Decides to extend the mandate of MINURSO until 31 October 1998;

2. Welcomes, in line with paragraph 23 of the report of the Secretary-General, engagement of his Personal Envoy with the parties to seek a solution to those issues bearing upon implementation of the Settlement Plan;

3. Welcomes also the agreement of the Moroccan authorities to formalize the presence of the Office of the United Nations High Commissioner for Refugees (UNHCR) in the Western Sahara, and requests both parties to take concrete action to enable UNHCR to carry out the necessary preparatory work for the repatriation of Saharan refugees eligible to vote, and their immediate families, according to the Settlement Plan;

4. Calls for a prompt conclusion of status-of-forces agreements with the Secretary-General which would greatly facilitate the full and timely deployment of MINURSO-formed military units, and in this context notes new progress that has been made, and recalls that pending the conclusion of such agreements, the

model status-of-forces agreement dated 9 October 1990 (A/45/594), as provided for in General Assembly resolution 52/12 B, should apply provisionally;

5. Requests the Secretary-General to report to the Council 30 days from the date of extension of the mandate of MINURSO on the progress of the implementation of the Settlement Plan and the agreements reached between the parties, and to keep the Council regularly informed of all significant developments and, as appropriate, on the continuing viability of the mandate of MINURSO;

6. Decides to remain seized of the matter.

UNITED
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General Assembly
Security Council

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A/53/399
S/1998/864
17 September 1998

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-third session
Agenda item 62
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-third year

Letter dated 16 September 1998 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to bring to your attention the following developments regarding the continuous and systematic plundering of the religious and cultural identity of the occupied part of Cyprus.

Once again I would like to point out that while the Government of Cyprus zealously protects all places of worship belonging to all faiths in Cyprus, Turkey has been resolute in its policy of religious intolerance in the occupied areas and refuses to adhere to international law and the relevant United Nations resolutions. The following recent documented violations are a reflection of the massive, ongoing campaign on the part of Turkey to alter the demographic character of occupied Cyprus.

More specifically,

1. The Church of Saint Theodoros in Lapithos, after being abandoned and desecrated, was vandalized (see photographs 1a-3a).*

2. The Shrine of Saint Kourmoutas in Lapithos has been profaned and defiled (see photograph 1b).*

The documented large-scale destruction of over 500 churches, which continues unabated, is an effort to turkify the occupied areas in violation of

* These photographs may be consulted at the Permanent Mission of Cyprus to the United Nations.

the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and the Declaration of the Principles of International Cultural Cooperation, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966.

Furthermore, this continuous and systematic plundering of the religious and cultural heritage of Cyprus, which forms part of the rich patrimony of the world, constitutes an affront to the civilized world.

In addition to the other gross violations against religious, cultural and historical monuments reported to you in previous correspondence, Turkey, as the occupying power for more than twenty-four years, is entirely accountable and fully answerable for these new illegal and wanton acts of vandalism.

This latest development is but another cogent example of Turkey's ultimate design and resolute determination to alter the character of the occupied part of Cyprus and thus obliterate a civilization that has endured for more than 8,000 years.

I would be grateful if you would have the present letter circulated as a document of the fifty-third session of the General Assembly, under agenda item 62, and of the Security Council.

(Signed) Sotos ZACKHEOS
Ambassador
Permanent Representative

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LETTER DATED 16 SEPTEMBER 1998 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the text of a statement of the spokesman for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea, dated 14 September 1998, concerning Japan's recent campaign against the Democratic People's Republic of Korea in the wake of its launch of an artificial satellite.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) KIM Chang Guk
Ambassador
Chargé d'affaires a.i.

98-27353 (E) 170998

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Annex

Statement of the spokesman for the Ministry of Foreign Affairs of the Democratic People's Republic of Korea dated 14 September 1998

A grave situation is now in the making in north-east Asia, endangering international peace and security owing to the reckless and rash behaviour of Japan concerning the launching of an artificial satellite by our country.

While alone in insisting that our satellite launch was that of a ballistic missile, the Japanese authorities made public what they called "counter-measures", suspending negotiations to normalize diplomatic relations between the Democratic People's Republic of Korea and Japan, suspending food assistance to our country and terminating flights of Air Koryo planes to Japan. Preposterously, they are making much ado, even taking the issue to the United Nations Security Council and creating "international pressure" on the Democratic People's Republic of Korea.

It is a ridiculous foul act on the part of the Japanese authorities, as if they had intended to resume talks on normalizing diplomatic relations.

As a result of the campaign against the Democratic People's Republic of Korea mounted by the Japanese authorities, a frenzied wind, involving all sorts of blackmail and violent acts against Korean nationals and friends of our people, is now sweeping Japan, posing serious threats to their lives and their property. The authorities make thoughtless remarks, one after another, saying that they would not lift "sanctions" against us even if the current launching was that of a satellite.

All the more serious is the open utterance of violent remarks among the military and government authorities of Japan, even calling for "strike" on our missile bases.

The satellite launch is entirely a matter pertaining to the sovereignty of a sovereign State, and the launch of our satellite, "Kwangmyongsong No. 1", is aimed solely at the peaceful development of science and technology.

Our people, even with their belts tightened, have brilliantly implemented the policy of the Government of the Democratic People's Republic of Korea on attaching importance to science and technology, with the result that a firm foundation has been laid for obtaining more foreign currency faster, currency which is necessary for solving on our economic problems, including food problems, by actively advancing to the international high-tech markets such as the launching of commercial satellites.

In launching the current satellite, we have taken sufficient scientific and technical measures to ensure the security of the neighbouring countries and international navigation, the result of which is shown in the reality of the situation after the launch.

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Unable to confirm our satellite on its own, Japan looks to the United States for possible information. However, the United States, which rather requires Japan's "missile phobia", is not likely to confirm our successful satellite launch soon.

Despite meaningful development of the compromise settlement of talks between the Democratic People's Republic of Korea and the United States following our satellite launch, the Japanese authorities are running amok alone, embarrassing even their allies. There is a motive here.

Only Japan says it is "concerned" about our satellite launch, because it is guilty of crimes against us. A guilty conscience needs no accuser and tries to realize its militaristic designs.

Not a single day could Japan have felt at ease, for, until today, on the eve of the next century, it has shirked its apology and compensation for the grave inhumane crimes committed against our nation.

The Japanese authorities miscalculate, believing that only when they convince the public at home and abroad that we launched a missile can they easily enact a law for the newly revised United States-Japan defence cooperation guidelines, build public opinion favourable for the introduction of the "theatre missile defence system" and possess their own military satellites needed for building a great military power.

As a result of such reckless madness of the Japanese authorities, the relations between the Democratic People's Republic of Korea and Japan are now heading for the dangerous threshold of war, going beyond simple freeze or aggravation.

The Ministry of Foreign Affairs of the Democratic People's Republic of Korea resolutely denounces the Japanese authorities for their provocative manoeuvres against our country, for seriously insulting our nation's dignity and for posing a grave threat to the sovereignty of the Democratic People's Republic of Korea and to peace in north-east Asia and, to cope with this situation, solemnly declares as follows;

First, as long as Japan resorts to hostile acts against the Democratic People's Republic of Korea, the Democratic People's Republic of Korea will never normalize diplomatic relations with Japan.

Second, if Japan any longer avoids making an apology and giving compensation for past crimes, it will be held wholly responsible for all consequences to be incurred therefrom.

Third, the Democratic People's Republic of Korea will resolutely counter Japan's acts against it with comprehensive and strong self-defensive measures.

Any hostile act against Korean nationals in Japan will be considered to be an act by the Japanese authorities against the Democratic People's Republic of Korea.

The Japanese authorities must ponder what catastrophic consequences will result from their attempts to find a way out of the serious economic crisis in the provocative campaign against the Democratic People's Republic of Korea and to re-invade our country by taking the satellite launch by the Democratic People's Republic of Korea as an opportunity for a revival of militarism.